



Economic and Social Council

Distr.
GENERAL

E/1990/91
7 June 1990

ORIGINAL: ENGLISH

Second regular session of 1990
Item 7 (d) of the provisional agenda*

TRANSNATIONAL CORPORATIONS

Report of the Commission on Transnational Corporations
on its reconvened special session

(24 May 1990)

Chapter I

COMPLETION OF WORK ON THE CODE OF CONDUCT ON
TRANSNATIONAL CORPORATIONS

1. The Commission on Transnational Corporations held its reconvened special session with a view to concluding work on the formulation of the code of conduct on transnational corporations. The enlarged Bureau of the special session had held informal consultations in January, April and May 1990. Although the reconvened special session could not reach agreement on the formulation of the code, several delegations expressed their willingness to continue the negotiations. The reconvened special session concluded that the Economic and Social Council should decide on the future course of action.
2. The reconvened special session agreed that the Chairman should present a paper on the code of conduct to the Economic and Social Council at its second regular session of 1990.
3. The reconvened special session requested the Secretariat to identify the major outstanding issues regarding the code of conduct and to transmit them to the Economic and Social Council at its second regular session of 1990.

* E/1990/92.

Chapter II

ADOPTION OF THE REPORT OF THE COMMISSION

4. At its 43rd meeting, on 24 May, the Commission adopted the report, as orally proposed by the Rapporteur and the Chairman.

Chapter III

ORGANIZATION OF THE SESSION

A. Opening and duration of the session

5. By decision 1990/204 the Economic and Social Council had authorized the Commission on Transnational Corporations to reconvene its special session for one day, with a view to concluding work on the formulation of the code of conduct on transnational corporations, for transmission to the Economic and Social Council at its second regular session. The reconvened special session of the Commission was held at United Nations Headquarters on 24 May 1990; one meeting was held (43rd).

6. The reconvened special session was opened by the Chairman, Miguel Marín Bosch (Mexico).

B. Membership and attendance

7. In accordance with Economic and Social Council resolution 1982/68, the special session of the Commission was open to the participation of all States. The following States attended the session: Algeria, Argentina, Austria, Bahamas, Bangladesh, Belgium, Bolivia, Brazil, Burundi, the Byelorussian Soviet Socialist Republic, Cameroon, Canada, China, Colombia, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Guyana, Hungary, India, Indonesia, Iraq, Israel, Italy, Jamaica, Japan, Malaysia, Malawi, Mexico, Mongolia, Morocco, Myanmar, Netherlands, Norway, Pakistan, Peru, Poland, Republic of Korea, Romania, Saudi Arabia, Seychelles, Sierra Leone, Spain, Swaziland, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Republic of Tanzania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela and Yugoslavia.

8. The following specialized agencies were represented:

International Labour Organisation

World Health Organization.

9. One intergovernmental organization, the European Economic Community, was represented by an observer.

10. The following non-governmental organization in consultative status with the Economic and Social Council was represented by an observer:

Category 1: International Chamber of Commerce.

C. Composition of the Bureau

11. The composition of the Bureau of the Commission at its reconvened special session was as follows:

Chairman: Mr. Miguel Marín Bosch (Mexico)

Vice-Chairmen: Mr. Wolfgang Sproete (German Democratic Republic)
Mr. Marino Baldi (Switzerland)

Acting Rapporteur: Mr. Ali Erfan (Egypt)

D. Agenda

12. At its 43rd meeting, on 24 May 1990, the Commission adopted the following agenda:

1. Adoption of the agenda.
2. Completion of the work on the code of conduct on transnational corporations.
3. Adoption of the report of the Commission.

E. Documentation

13. The Commission had before it, the provisional agenda (E/C.10/1990/S/1).





Economic and Social Council

Distr.
GENERAL

E/1990/92
1 June 1990

ORIGINAL: ENGLISH

Second regular session of 1990
Geneva, 4-27 July 1990
Item 1 of the provisional agenda

ADOPTION OF THE AGENDA AND OTHER ORGANIZATIONAL MATTERS

Annotated provisional agenda

This document contains in section I the provisional agenda for the second regular session of 1990, as approved by the Council in decision 1990/258. Section II contains the annotations to the provisional agenda and section III contains the organization of work.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. PROVISIONAL AGENDA FOR THE SECOND REGULAR SESSION OF 1990		4
II. ANNOTATIONS	1 - 103	5
1. Adoption of the agenda and other organizational matters .	1 - 7	5
2. General discussion of international economic and social policy, including regional and sectoral developments	8 - 18	7
3. Revitalization of the Economic and Social Council	19 - 23	10
4. Permanent sovereignty over national resources in the occupied Palestinian and other Arab territories	24 - 25	12
5. International co-operation in the elimination of the consequences of the accident at the Chernobyl nuclear power plant	26	12
6. Regional co-operation	27 - 33	13
7. Development and international economic co-operation	34 - 49	15
(a) Trade and development	34 - 37	15
(b) International development strategy for the fourth United Nations development decade	38 - 39	16
(c) World Food Council	40	16
(d) Transnational corporations	41 - 44	16
(e) Development and utilization of new and renewable sources of energy	45	17
(f) Development of the energy resources of developing countries	46 - 47	17
(g) International co-operation in tax matters	48	18
(h) Implementation of the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries	49	18
8. International co-operation in the field of informatics ..	50	18

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
9. Operational activities for development	51 - 59	19
10. Co-ordination questions	60 - 70	21
11. Programme questions	71 - 72	24
12. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations	73 - 78	25
13. Disaster reduction and relief	79 - 81	26
(a) International strategy for the fight against locust and grasshopper infestation, particularly in Africa	79 - 80	26
(b) Disaster relief co-ordination	81	26
14. Special economic and humanitarian assistance	82 - 97	27
(a) Special programmes of economic assistance	82 - 89	27
(b) Humanitarian assistance	90 - 97	28
15. Report of the United Nations High Commissioner for Refugees	98 - 101	29
16. Elections	102 - 103	30
III. ORGANIZATION OF WORK	104 - 115	32

I. PROVISIONAL AGENDA FOR THE SECOND REGULAR SESSION OF 1990

1. Adoption of the agenda and other organizational matters.
2. General discussion of international economic and social policy, including regional and sectoral developments.
3. Revitalization of the Economic and Social Council.
4. Permanent sovereignty over national resources in the occupied Palestinian and other Arab territories.
5. International co-operation in the elimination of the consequences of the accident at the Chernobyl nuclear power plant.
6. Regional co-operation.
7. Development and international economic co-operation:
 - (a) Trade and development;
 - (b) International development strategy for the fourth United Nations development decade;
 - (c) World Food Council;
 - (d) Transnational corporations;
 - (e) Development and utilization of new and renewable sources of energy;
 - (f) Development of the energy resources of developing countries;
 - (g) International co-operation in tax matters;
 - (h) Implementation of the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries.
8. International co-operation in the field of informatics.
9. Operational activities for development.
10. Co-ordination questions.
11. Programme questions.
12. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.

13. Disaster reduction and relief:
 - (a) International strategy for the fight against locust and grasshopper infestation, particularly in Africa;
 - (b) Disaster relief co-ordination.
14. Special economic and humanitarian assistance:
 - (a) Special programmes of economic assistance;
 - (b) Humanitarian assistance.
15. Report of the United Nations High Commissioner for Refugees. 1/
16. Elections.

II. ANNOTATIONS 2/

Item 1. Adoption of the agenda and other organizational matters

1. At its first regular session of 1990, the Council approved the provisional agenda for its second regular session (decision 1990/258).
2. In accordance with rule 12 of the rules of procedure, should any proposals be submitted for the inclusion of supplementary items in the agenda, they will be circulated as soon as they are received, and a supplementary list of items will be issued as an addendum to the provisional agenda.

Allocation of items

3. At its organizational session for 1990 and first regular session, the Council agreed on the following allocation of items:
 - (a) Items 1 to 5, 15 and 16 would be considered in plenary meeting; one plenary meeting would be devoted to the consideration of the question of the Second United Nations Conference on the Least Developed Countries (see the annotations to item 7 (a) entitled "Trade and development");

1/ In accordance with Council resolution 1623 (LI) of 30 July 1971, the report of the United Nations High Commissioner for Refugees is transmitted to the General Assembly without debate, unless the Council decides otherwise, at the specific request of one or more of its members or of the High Commissioner, at the time its agenda is adopted.

2/ More detailed information is contained in the proposed basic programme of work of the Council (E/1990/1).

(b) Items 6 to 8 would be considered by the First (Economic) Committee; 3/

(c) Items 9 to 14 would be considered by the Third (Programme and Co-ordination) Committee.

Convening of an international meeting on population in 1994

4. Under this item, the Council will hear an oral report on the convening of an international meeting on population in 1994. At its second regular session of 1989, the Council decided, in principle, to convene in 1994, under the auspices of the United Nations, an international meeting on population; designated the Population Commission as the preparatory committee; requested the Secretary-General to make the necessary organizational arrangements for the preparation of the meeting and to submit to the Council, through the Population Commission at its twenty-sixth session, a detailed report on the state of the preparations for the meeting; to take appropriate measures to obtain resources for the meeting, to report on progress to the Council at its second regular session of 1990 and on the results obtained to the Council, through the Population Commission in 1991 (resolution 1989/91).

Capital punishment

5. By resolution 1990/29, the Council requested the Secretary-General to submit to the Council, at its second regular session of 1990, a revised version of the fourth quinquennial report for its consideration.

6. Attention is drawn to the fact that the General Assembly, in its resolution 44/229 on international co-operation in the field of the environment, took note, inter alia, of decision 15/4 of the Governing Council of the United Nations Environment Programme and supported its decision to hold a special session in 1990 of three days duration at the same location and in conjunction with the first substantive session of the Preparatory Committee of the United Nations Conference on Environment and Development. The special session of the Governing Council is scheduled to be held at Nairobi from 1 to 3 August 1990. Since General Assembly resolution 2997 (XXVII) provides that the Governing Council shall report to the General Assembly through the Economic and Social Council, the Council may wish to decide whether to include an item entitled "Report of the Governing Council of the United Nations Environment Programme on its special session" in the draft provisional agenda of its second regular session of 1990 for consideration at a resumed session of the Council or to authorize the Secretary-General to transmit the aforementioned report directly to the General Assembly for consideration.

3/ For its consideration of item 7, the Council agreed on the following clustering of sub-items: first part, sub-item (a); second part, sub-item (b); third part, sub-items (d) and (g); and fourth part, sub-items (c), (e) and (f) (decision 1990/201, para. 3). At its first regular session, the Council decided to add sub-item (h).

Status of documentation

7. Attention is drawn to Council resolution 1989/114, section II, relating to documentation, whereby the Council decided that the President of the Council and other members of the Bureau should continually monitor, with the assistance of the Secretariat, the status of the preparation of documentation, taking into account relevant decisions on documentation, and should propose appropriate measures to the Council, after having held informal meetings to be convened at least eight weeks before each session of the Council, bearing in mind the need to adhere to rule 13 of the rules of procedure of the Council and other relevant rules and regulations.

Documentation

Report of the Secretary-General on capital punishment (E/1990/38/Rev.1)

Note by the Secretariat on the status of documentation for the session (E/1990/L.24)

Item 2. General discussion of international economic and social policy, including regional and sectoral developments

8. The Council will hold a general discussion of international economic and social policy, including regional and sectoral developments, with a view to formulating and elaborating action-oriented recommendations. The Council decided to focus in its general discussion on the issue of resources for development and external indebtedness of the developing countries (decision 1990/201, para. 1).

9. As a basis for the general discussion, the Council will have before it the World Economic Survey, 1990.

10. The Council will also have before it the report of the Committee for Development Planning and the summaries of the surveys of regional economic and social conditions prepared by the regional commissions, highlighting the main problems and prospects of those regions.

11. The Council will also have before it the reports of the Secretary-General on proposals to improve the work of the United Nations in the early identification, analysis and forecasting of world economic developments, on the main research findings of the United Nations system on major global economic and social trends, policies and emerging issues, as well as on national entrepreneurs in economic development. The Council will also hear an oral report on ways and means of strengthening multilateral co-operation in international economic relations.

Background

12. The World Economic Survey, 1990 will consist of eight chapters. Chapters I to V are the core of the document and will deal with recurring themes, which are featured in every recent issue of the Survey; the other chapters will deal with special issues. Chapter I will provide an overview of the world economy at the end of the decade and a summary of the main issues; chapter II will examine major

trends in growth of output by region and other major tendencies in the global economy and will provide short-term forecasts of growth, including also an analysis of the situation of countries affected by desertification and drought, according to resolution 1989/103; chapter III will deal with major issues and recent developments concerning the trading system and will briefly review the progress of negotiations under the Uruguay Round. A global overview of payments and capital flows and the net transfer of resources from developing countries, as requested by the Council in resolution 1989/112, and the debt problem of those countries, are the major themes of chapter IV; chapter V will include an analysis of recent developments in the international oil market, new oil supply concerns and new directions in structural change of the petroleum industry. The Survey will include four special topics: inflation in Eastern Europe and the USSR is the theme of chapter VI; chapter VII, in response to Council resolution 1989/113, will be devoted to external economic factors and the social situation in developing countries; chapter VIII will provide an analysis of factors behind the unusual length of the current phase of economic expansion in the developed market economies. Pursuant to Council resolution 1989/106, the Survey will also examine statistical indicators on income distribution, health, nutrition, fertility and education reflecting the integration of women in development.

13. The Committee for Development Planning will report on the work of its twenty-sixth session (Headquarters, 30 April-4 May 1990) (Council resolutions 1079 (XXXIX) and 1625 (LI)). The report of the Committee will include an appraisal of emerging trends in the multilateral trading system and regional trading arrangements, with special emphasis on their implications for the export prospects of developing countries and the significance of trade liberalization and economic reform in European socialist countries. It will also address the role of domestic policies in developing countries in facilitating the achievement of the goals to be incorporated in the international development strategy for the fourth United Nations development decade, with special emphasis on fiscal policies, structural adjustment and the alleviation of poverty. It is also expected that the Committee will recommend ways to improve the effectiveness of its own work in the context of strengthening the role of the United Nations in facilitating international economic co-operation for development. It is also expected that the report of the Committee will include the Committee's recommendation on the eligibility of Liberia for inclusion in the list of the least developed countries (decision 1990/206).

14. Role of the United Nations in the early identification, analysis and monitoring of world economic developments. At its second regular session of 1989, the Council acknowledged that for the early identification of emerging problems, the United Nations should aim at improving its analytical and forecasting activities on a co-ordinated basis and requested the Secretary-General to present to the Council at its second regular session of 1990 proposals that could be implemented within existing resources to improve the work of the United Nations in the early identification, analysis and monitoring of world economic developments (Council resolution 1989/85). Specific proposals for strengthening the co-ordination of activities will include encouraging the participation of agencies and Secretariat units in the work of ACC bodies to increase the flow of information about emerging problems within the United Nations system, improving existing mechanisms for exchanging socio-economic data through the harmonizing of coding

schemes and the development of common data transfer interfaces, strengthening links between the United Nations and national research and information centres by the creation of informal contact groups and expanding the analysis of options and possible actions that might be taken in connection with emerging problems at both the agency and national levels by improving the analytical and forecasting work carried out by agencies and at the national level.

15. Strengthening multilateral co-operation in international economic affairs. At its second regular session of 1989, the Council requested the Secretary-General to include in his report to the Preparatory Committee of the Whole for the Special Session of the General Assembly Devoted to International Economic Co-operation, in Particular to the Revitalization of Economic Growth and Development of the Developing Countries, a comprehensive analysis of ways and means of strengthening multilateral co-operation in international economic relations, including the role of the United Nations, taking into account, inter alia, the views expressed at the second regular session of 1989 of the Council on changes and imbalances in the world economy and their impact on international economic co-operation, and to report thereon to the Council at its second regular session of 1990 (resolution 1989/111). In the light of the outcome of the special session of the General Assembly, an oral report will be presented to the Council.

16. At its second regular session of 1986, the Council requested the Secretary-General, inter alia, to submit to the Council, on a biennial basis, a summary of the main research findings of the United Nations system on major global economic and social trends, policies and emerging issues (Council resolution 1986/51, part VI).

17. National entrepreneurs in economic development. At its second regular session of 1988, the Economic and Social Council requested the Secretary-General to undertake a study of measures to promote the contribution of national entrepreneurs to the economic development of developing countries, which would include a section on international factors affecting the growth and competitiveness of enterprises of developing countries, including the need for broader market opportunities, and to submit it to the General Assembly at its forty-fifth session, through the Economic and Social Council (Council resolution 1988/74).

18. Executive summaries of the activities of the specialized agencies. In resolution 1989/114, paragraph 11, the Council requested the specialized agencies to continue to submit annually to the Council executive summaries of their activities. These summaries will be made available to the Council.

Documentation

World Economic Survey, 1990 (E/1990/55)

Report of the Committee for Development Planning on its twenty-sixth session (E/1990/27)

Summary of the economic survey of Latin America and the Caribbean, 1989 (E/1990/54)

Summary of the economic and social survey of Asia and the Pacific, 1989
(E/1990/52)

Summary of the survey of economic and social conditions in Africa, 1988-1989
(E/1990/53)

Summary of the economic survey of Europe in 1989-1990 (E/1990/51)

Summary of the survey of economic and social developments in the region of the
Economic and Social Commission for Western Asia in 1989 (E/1990/56)

Report of the Secretary-General on proposals to improve the work of the United
Nations in the early identification, analysis and forecasting of the world
economic developments (E/1990/80)

Report of the Secretary-General on the main research findings of the system in
major global economic and social trends, policies and emerging issues
(E/1990/81)

Report of the Secretary-General on national entrepreneurs in economic
development (A/45/292-E/1990/82)

Item 3. Revitalization of the Economic and Social Council

19. The Council will consider the report of the Secretary-General on the
implementation of Council resolutions 1988/77 and 1989/114 and its decision
1990/205 on revitalization. It will also have before it the final report of the
task force on documentation.

Background

20. It will be recalled that in resolution 1989/114 the Council, reaffirming its
resolution 1988/77 on the revitalization of the Economic and Social Council,
endorsed by the General Assembly in decision 43/432, took a number of steps,
inter alia, to improve and strengthen the Council's consideration of the inputs
from the subsidiary bodies, including, in this context, the full implementation of
its resolution 1979/41 on control and limitation of documentation.

21. At its forty-fourth session, the General Assembly adopted a resolution
entitled "Restructuring and revitalization of the United Nations in the economic
and social fields", in which the Assembly, inter alia, took note of the note by the
Secretary-General on the review of the efficiency of the administrative and
financial functioning of the United Nations (A/44/747) and the view expressed
therein that more time was required before submission to the Assembly of the
detailed report requested in resolution 43/174; decided to review the efficiency of
the administrative and financial functioning of the United Nations in the economic,
social and related fields, including the secretariat support structure, taking into
account the major intergovernmental conferences scheduled to take place in the
beginning of the 1990s; and requested the Secretary-General to submit a report on
the implementation of those resolutions to the Council in order to enable the

Council to review the matter at its second regular session of 1990 (resolution 44/103).

22. At its organizational session for 1990, the Council adopted decision 1990/205 on the implementation of resolutions 1988/77 and 1989/114, in which, inter alia, the Council decided to establish on a provisional basis an indicative multi-year work programme for the in-depth consideration of major policy themes during the period 1992-1994. The Council also decided to hold discussions in 1990 on the following issue: The impact of the recent evolution of East-West relations on the growth of the world economy, in particular, on the economic growth and development of the developing countries, as well as on international economic co-operation. The discussions would be carried out in accordance with paragraph 22 of Council resolution 1989/114. Accordingly, the Council shall devote one day at its second regular session of 1990, following the general discussion of international economic and social policy, including regional and sectoral developments, to an informal exchange of views among members of the Council, with the active participation of the executive heads of organs, organizations and bodies of the United Nations system, on this theme. The discussions would assist the Council in preparing for a high-level in-depth consideration of the theme, which has been identified as an urgent and emerging issue for discussion in 1991. The Council further decided that the discussion of that theme in 1991 should be at a special meeting at an appropriately high level, without excluding the ministerial level, and should be held on 4 and 5 July 1991, during the second regular session of the Council. The special meeting shall be separate from the regular proceedings of the Council and precede its general discussion of international economic and social policy, including regional and sectoral developments. In this connection, the Council (a) invited the Secretary-General, in consultation with the President of the Council, to take the necessary measures to ensure adequate preparation for the special meeting, including the possibility of proposing at the second regular session of 1990 appropriate modalities for that purpose; (b) also invited all the relevant organs and organizations of the United Nations system to contribute to the successful outcome of the special meeting. The Council requested its President, in this context, to continue his consultations between the organizational and the second regular sessions of 1990 on all relevant matters concerning the revitalization of the Council.

23. At its organizational session, the Council, having considered the report of the task force on documentation (E/1990/13), requested the task force to prepare a final report for consideration at its second regular session under the item entitled "Revitalization of the Economic and Social Council" (decision 1990/201, para. 13).

Documentation

Report of the Secretary-General on the implementation of Council resolutions 1988/77 and 1989/114 (E/1990/75)

Report of the task force on documentation (E/1990/93)

Report of the Joint Inspection Unit brought to the attention of the Council:

"Concluding report on the implementation of General Assembly resolution 32/197 concerning the restructuring of the economic and social sectors of the United Nations system" and the comments of the Secretary-General thereon (A/44/486 and Add.1)

Item 4. Permanent sovereignty over national resources in the occupied Palestinian and other Arab territories

24. The Council will have before it the report of the Secretary-General on Israeli land and water policies and practices in the occupied Palestinian and other Arab territories.

Background

25. At its second regular session of 1989, the Council took note with concern of the reports of the Secretary-General on Israeli trade practices in the occupied Palestinian territories and on Israeli financial and trade practices in the occupied Syrian Arab Golan, which were prepared in pursuance of General Assembly decisions 40/432 and 43/430 and Council resolution 1988/65 and requested the Secretary-General to prepare a comprehensive report on Israeli land and water policies and practices in the occupied Palestinian and other Arab territories and to submit the report to the General Assembly at its forty-fifth session through the Economic and Social Council (Council resolution 1989/86).

Documentation

Report of the Secretary-General on Israeli land and water practices and policies in the occupied Palestinian and other Arab territories
(A/45/ -E/1990/83)

Item 5. International co-operation in the elimination of the consequences of the accident at the Chernobyl nuclear power plant

26. By decision 1990/211 of 18 May 1990, the Council, taking into account the discussion held at its first regular session on international co-operation in the elimination of the consequences of the accident at the Chernobyl nuclear power plant, decided to defer consideration of the draft resolution on the subject (E/1990/L.21) to its second regular session; requested the delegations concerned to provide the Council at that session with additional information on the economic and social consequences of the accident and requested the Secretary-General to provide all relevant information on the activities of the United Nations system in order to assist the Council in its consideration of the item.

Documentation

Note by the Secretary-General on information relating to the activities of the United Nations system in elimination of the consequences of the accident at the Chernobyl nuclear power plant

Draft resolution on international co-operation in the elimination of the consequences of the accident at the Chernobyl nuclear power plant (E/1990/L.21)

Item 6. Regional co-operation

27. The Council will consider the report of the Secretary-General on regional co-operation and take the necessary action on the decisions and recommendations of the regional commissions contained therein that require its approval. The Council will also consider the following questions: (a) interregional co-operation in international trade facilitation and (b) monitoring and assessment of illegal traffic in toxic and dangerous products and wastes: regional and interregional co-operation in this field (decision 1990/201, para. 15).

28. Under this item, the attention of the Council is drawn to the summaries of the surveys prepared by the regional commissions.

29. The Council will also consider the reports of the Secretary-General on the Transport and Communications Decade for Asia and the Pacific, on the preparation of the programme for the Second United Nations Transport and Communications Decade in Africa 1991-2000 and on the preparations for the Second Industrial Development Decade for Africa.

Background

30. In his annual report on regional co-operation, the Secretary-General, in addition to reporting on the meetings of the executive secretaries, highlights developments within each region and draws the Council's attention to specific issues requiring its consideration. The report will also contain draft proposals by the regional commissions for interregional co-operation in international trade facilitation, pursuant to Council resolution 1989/118, and the findings of the regional commissions on the question of monitoring and assessment of the illegal traffic in toxic and dangerous products and wastes, pursuant to General Assembly resolution 44/226, part I.

31. A Transport and Communications Decade for Asia and the Pacific during the period 1985-1994 was proclaimed by the General Assembly at its thirty-ninth session (resolution 39/227). The Council, at its second regular session of 1984, and the General Assembly, at its thirty-ninth session, requested the Secretary-General to extend all necessary facilities and support to the Executive Secretaries of the Economic and Social Commission for Asia and the Pacific and the Economic and Social Commission for Western Asia in their development of the regional action programme for the Decade in a practical and integrated manner and to mobilize the necessary international support for the successful implementation of the programmes for the Decade, and to submit a report on the implementation of the resolutions to the Council at its second regular session of 1986, and every two years thereafter until the end of the Decade (Council resolution 1984/78 and Assembly resolution 39/227).

32. At its forty-third session, the General Assembly endorsed Council resolution 1988/67, declared the period 1991-2000 the Second Transport and Communications Decade in Africa and requested the Secretary-General, in consultation with the Organization of African Unity and existing African regional and subregional economic groups, as well as relevant United Nations agencies, to undertake the necessary preparatory arrangements for the Second Transport and Communications Decade in Africa, and to submit a progress report, through the Economic and Social Council, to the General Assembly at its forty-fourth session, and a final report at its forty-fifth session (resolution 43/179).

33. At its forty-fourth session, the General Assembly, *inter alia*, proclaimed the period 1991-2000 the Second Industrial Development Decade for Africa; further proclaimed 20 November as Africa Industrialization Day, for the purpose of mobilizing the commitment of the international community to the industrialization of Africa; endorsed the proposals of the Secretary-General, as contained in his report (A/44/812); and requested the Secretary-General, in consultation with the Director-General of the United Nations Industrial Development Organization, the Secretary-General of the Organization of African Unity, the relevant subregional and regional economic groupings in Africa and the United Nations bodies concerned, to undertake the necessary preparations for the Second Industrial Development Decade for Africa and to submit, through the Council, a report on those preparations to the Assembly at its forty-fifth session (resolution 44/237).

Documentation

Report of the Secretary-General on regional co-operation (E/1990/84 and Add.1)

Summary of the economic survey of Latin America and the Caribbean, 1989
(E/1990/54)

Summary of the economic and social survey of Asia and the Pacific, 1989
(E/1990/52)

Summary of the survey of economic and social conditions in Africa, 1988-1989
(E/1990/53)

Summary of the economic survey of Europe, 1989-1990 (E/1990/51)

Summary of the survey of economic and social developments in the region of the Economic and Social Commission for Western Asia in 1989 (E/1990/56)

Report of the Secretary-General on the Transport and Communications Decade for Asia and the Pacific, 1985-1994 (E/1990/57)

Report of the Secretary-General on the preparation of the programme for the Second United Nations Transport and Communications Decade in Africa
(A/45/185-E/1990/48)

Report of the Secretary-General on the preparations for the Second Industrial Development Decade for Africa, 1991-2000 (A/45/257-E/1990/61)

Reports of the Joint Inspection Unit brought to the attention of the Council:

"Evaluation of the regional project RLA/79/031. Programme on joint studies on Latin American Economic Integration (ECIEL)" and the comments of the Secretary-General thereon (A/45/77-E/1990/10 and Add.1)

"Project RLA/86/002. Support for the foreign services of Latin America. Mid-term evaluation" and the comments of the Secretary-General thereon (A/43/627 and A/45/263)

Item 7. Development and international economic co-operation

(a) Trade and development

34. The Council will consider the reports of the Trade and Development Board of the United Nations Conference on Trade and Development on its sixteenth special session (8-9 March 1990) and on the second part of its thirty-sixth session (12-23 March 1990).

35. At its organizational session for 1990, the Council decided to consider the question of the Second United Nations Conference on the Least Developed Countries at its second regular session under this item and to devote one plenary meeting to its consideration (decision 1990/201, para. 9). The Conference will be held in Paris from 3 to 14 September 1990. The outcome of the work of the Preparatory Committee for the Conference is contained in the report of the Intergovernmental Group on the Least Developed Countries on its seventh session (26 March-6 April 1990).

Background

36. In accordance with General Assembly resolution 1995 (XIX), the Trade and Development Board reports annually on its activities to the Assembly through the Council, which may transmit to the Assembly such comments on the report as it deems necessary.

37. At its organizational session for 1990, the Council authorized the Secretary-General to transmit directly to the General Assembly at its forty-fifth session the report of the Board on the first part of its thirty-seventh session (decision 1990/201, para. 8).

Documentation

Report of the Trade and Development Board on its sixteenth special session (TD/B/1256)

Report of the Trade and Development Board on the second part of its thirty-sixth session (TD/B/1257)

(b) International development strategy for the fourth United Nations development decade

38. In its resolution 43/182, the General Assembly decided to establish an Ad Hoc Committee of the Whole for the Preparation of the International Development strategy for the Fourth United Nations Development Decade, and requested the Ad Hoc Committee to submit a progress report to the General Assembly at its forty-fourth session, with a view to finalizing the strategy in time for its adoption in 1990.

39. At its forty-fourth session, the General Assembly adopted resolution 44/169, in which, inter alia, the Assembly took note of the report of the Ad Hoc Committee (A/44/41 and Corr.1) and recommended that the Ad Hoc Committee adopt the outline contained in the annex to that resolution as the basis for the elaboration of the international development strategy for the fourth United Nations development decade. The Ad Hoc Committee adopted the outline at its third session, held on 15 January and from 19 to 23 March. The Ad Hoc Committee will hold its fourth session from 4 to 22 June 1990.

(c) World Food Council

40. The Council decided that, when considering the report of the World Food Council on the work of its sixteenth session (Bangkok, 21-24 May 1990), 4/ it would not consider new draft proposals, except for specific recommendations contained in the report that required action by the Council and proposals on matters relating to the co-ordination aspects of the work of that body (decision 1990/201, para. 7).

Documentation

Report of the World Food Council on its sixteenth session

(d) Transnational corporations

41. The Council will consider the report of the Commission on Transnational Corporations on its sixteenth session (Headquarters, 2-11 April 1990) and take action on the recommendations contained therein.

42. It will also consider the report of the Commission on Transnational Corporations on its special session on the code of conduct on transnational corporations.

43. With regard to the work of the Commission on the code of conduct on transnational corporations, the Council, at its organizational session for 1990, having considered the letter dated 25 January 1990 from the Chairman presiding at the special session of the Commission (E/1990/17), decided to reconvene the special session for one day on 24 May 1990, with a view to concluding the work on the

4/ The report of the World Food Council will be considered by the General Assembly in 1990.

formulation of the code of conduct on transnational corporations for transmission to the Economic and Social Council at its second regular session (decision 1990/204).

44. Regarding the work of the United Nations Centre on Transnational Corporations, it will be recalled that, at its second regular session of 1985, the Council decided that the issues raised in draft resolutions E/1985/C.1/L.14 and E/1985/C.1/L.15 should be considered at an appropriate occasion after the reconvened special session of the Commission (decision 1985/195).

Documentation

Report of the Commission on Transnational Corporations on its sixteenth session (E/1990/26)

Report of the Commission on Transnational Corporations on its reconvened special session (E/1990/91)

(e) Development and utilization of new and renewable sources of energy

45. The Council decided that, when considering the report of the Committee on the Development and Utilization of New and Renewable Sources of Energy on the work of its fifth session (26 March-4 April 1990), 5/ it would not consider new draft proposals, except for specific recommendations contained in the report that required action by the Council and proposals on matters relating to the co-ordination aspects of the work of that body (decision 1990/201, para. 7).

Documentation

Report of the Committee on the Development and Utilization of New and Renewable Sources of Energy on its fifth session (A/45/36)

(f) Development of the energy resources of developing countries

46. The Council will have before it the report of the Secretary-General on energy exploration and development trends in developing countries.

Background

47. At its forty-third session, the General Assembly, *inter alia*, reaffirmed its resolution 40/208 and called for the effective implementation of all its provisions; noted with concern that energy exploration and development trends in developing countries had been on the decline in recent years, and therefore requested the Secretary-General to outline a programme of action aimed at the acceleration of the exploration and development of the energy resources of

5/ The report of the Committee on the Development and Utilization of New and Renewable Sources of Energy will be considered by the General Assembly in 1990.

developing countries; and requested the Secretary-General to continue to undertake appropriate studies and analyses of trends in energy exploration and development of energy resources of developing countries, taking into account the activities of the relevant organizations of the United Nations system in that field, and to report to the General Assembly at its forty-fifth session, through the Economic and Social Council at its second regular session of 1990 (resolution 43/193).

Documentation

Report of the Secretary-General on energy exploration and development trends in developing countries (A/45/274-E/1990/73)

(g) International co-operation in tax matters

48. The Council will consider the report of the Secretary-General on the fifth meeting of the Ad Hoc Group of Experts on International Co-operation in Tax Matters (Geneva, 4-15 December 1989).

Documentation

Report of the Secretary-General on the work of the Ad Hoc Group of Experts on International Co-operation in Tax Matters (E/1990/49)

(h) Implementation of the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries

49. At its first regular session, the Council decided to consider at its second regular session the implementation of the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, adopted by the General Assembly at its eighteenth special session (see General Assembly resolution S-18/3).

Item 8. International co-operation in the field of informatics

50. The Council will have before it the report on international co-operation in the field of informatics prepared by the United Nations Educational, Scientific and Cultural Organization, in consultation with the International Telecommunication Union and the United Nations Industrial Development Organization.

Documentation

Note by the Secretary-General transmitting the report on international co-operation in the field of informatics prepared by the United Nations Educational, Scientific and Cultural Organization, in consultation with the International Telecommunication Union and the United Nations Industrial Development Organization (E/1990/86)

Item 9. Operational activities for development

51. The Council will have before it the reports of the Director-General for Development and International Economic Co-operation on the operational activities of the United Nations system, as well as on the implementation of General Assembly resolution 44/211 on the comprehensive triennial policy review of operational activities for development of the United Nations system, on a consolidated system-wide basis.

52. The Council will have before it the report of the Governing Council of the United Nations Development Programme on the work of its thirty-seventh session (Geneva, 28 May-22 June 1990), as well as on its organizational meeting and special session (Headquarters, 20-23 February 1990). The Council decided not to consider the part of the report dealing with the United Nations Population Fund, except for the recommendations contained therein that required action by the Council (decision 1990/201, para. 11). The Council will also have before it the report of the Executive Director of the United Nations Population Fund on the implications for population programmes of the Amsterdam Declaration and on efforts to develop further the analysis of resource requirements for international population assistance.

53. The Council will consider the reports of the Committee on Food Aid Policies and Programmes (Rome, 4-7 June 1990) and the Executive Board of the United Nations Children's Fund (16-27 April 1990).

54. The Council will also consider the report of the Secretary-General on future arrangements for the United Nations Pledging Conference for Development Activities.

55. The attention of the Council is drawn to General Assembly resolution 44/209, in which the Assembly decided to observe, during its forty-fifth session, the fortieth anniversary of multilateral technical co-operation for development within the United Nations system, in a manner befitting the role and achievements of such co-operation, and that United Nations Day in 1990, Wednesday, 24 October, should be the day for the commemoration of the anniversary; and invited the Secretary-General, in close co-operation with the Administrator of the United Nations Development Programme, to make the necessary preparations for the celebration of the anniversary, and also invited all organs, organizations and bodies of the United Nations system engaged in technical co-operation to contribute to that end.

Background

56. The report of the Director-General discusses a number of policy and management issues affecting the coherence and functioning of system-wide activities in the light of the relevant decisions of the governing bodies of the organizations of the United Nations system.

57. At its forty-fourth session, the General Assembly adopted resolution 44/211 on the comprehensive triennial policy review of operational activities for development of the United Nations system, in which the Assembly, inter alia, requested the

Director-General to conduct an independent study aimed at developing, among other possible ways to improve the United Nations system's co-ordination at the country level, the concept of a document containing the United Nations system's integrated operational response, at the country level, to the national programme framework of the recipient Government for operational activities for development, which would give greater coherence to existing programming instruments, and to submit that study to the General Assembly at its forty-fifth session, through the Economic and Social Council, including an analysis containing his views on the impact of that approach, in particular on the role of the resident co-ordinator, on the leadership role of the United Nations Development Programme and on the relationship and relevance of such an approach *vis-à-vis* the existing co-ordinating mechanisms of the United Nations system at the country level, such as National Technical Co-operation Assessment and Programmes and round tables, as well as consultative groups, and possible ways for the implementation of the relevant elements contained therein; to submit to the Economic and Social Council at its second regular session of 1990 a proposed three-year schedule for the implementation of the resolution by all the organs, organizations and bodies of the United Nations system and to draw attention to recommendations on which he considered additional guidance was required, particularly those facilitating the full implementation of that resolution, and make available the report of the Director-General for Development and International Economic Co-operation containing his recommendations for the triennial comprehensive policy review of operational activities for development (A/44/324-E/1989/106/Add.3); and to submit, for the next three years, annual reports on the implementation of the present resolution, on a consolidated system-wide basis, to the Council at its second regular session. The Assembly also reaffirmed the provision contained in its resolution 32/197 concerning the representation of developing countries at the executive management and other central decision-making levels of secretariat structures in the area of operational activities for development of the United Nations system, and requested the Director-General to include, in his annual report to the Council, a section on the implementation of that provision.

58. At its organizational session for 1990, the Council, recalling its decision 1989/186 concerning arrangements for the 1990 annual policy review of operational activities, decided (a) to conduct its annual policy review of operational activities for development for 1990 and to focus on ways and means of ensuring the implementation of General Assembly resolution 44/211, including the proposed three-year schedule for implementation of the resolution by all relevant organs, organizations and bodies of the United Nations system; (b) to reiterate the request contained in its resolution 1989/114 that the subsidiary bodies concerned highlight policy recommendations and decisions resulting from their deliberations for consideration and appropriate action by the Council; and (c) to request the Secretary-General to make available the necessary documentation for this item in strict compliance with the relevant rules of procedure of the Council (decision 1990/201, para. 16).

59. United Nations Pledging Conference for Development Activities. At its forty-fourth session, the General Assembly requested the Secretary-General to examine the modalities of the United Nations Pledging Conference for Development Activities and to make recommendations on future administrative arrangements for

the Conference to the Council at its second regular session of 1990, for transmission to the 1990 Pledging Conference and the Assembly at its forty-fifth session, as appropriate (resolution 44/208).

Documentation

Note by the Secretary-General transmitting the report of the Director-General for Development and International Economic Co-operation on the operational activities of the United Nations system (A/45/273-E/1990/85 and addenda)

Report of the Governing Council of the United Nations Development Programme (E/1990/29)

Report of the Executive Director of the United Nations Population Fund on the implications for population programmes of the Amsterdam Declaration and on efforts to develop further the analysis of resource requirements for international population assistance (DP/1990/44)

Report of the Committee on Food Aid Policies and Programmes

Report of the Executive Board of the United Nations Children's Fund (E/1990/28)

Report of the Secretary-General on future administrative arrangements for the United Nations Pledging Conference for Development Activities (A/45/281-E/1990/66)

Reports of the Joint Inspection Unit brought to the attention of the Council:

"Evaluation of United Nations technical co-operation project evaluation systems (Parts I and II)" and the comments of the Administrative Committee on Co-ordination thereon (E/1989/41 and Add.1 and 2)

"Evaluation of rural development activities of the United Nations system in three African least developed countries" and the comments of the Administrative Committee on Co-ordination thereon (A/45/76-E/1990/12 and Add.1)

Item 10. Co-ordination questions

60. The Council will have before it the report of the Committee for Programme and Co-ordination (CPC) and the report of the Administrative Committee on Co-ordination (ACC) for 1989, as well as the report of the Chairmen of CPC and ACC on the Joint Meetings of the two Committees. Pursuant to decision 1980/103, the Council will also have before it the report of ACC on expenditures of the United Nations system in relation to programmes.

61. Pursuant to decision 1990/208, the Council will consider the United Nations system-wide action plan on drug abuse control, together with the views thereon of the Committee for Programme and Co-ordination.

62. Under this item, the Council will have before it reports of the Secretary-General on consumer protection and on the mid-term review of the World Decade for Cultural Development. The Council will also have before it the report of the Director-General of the World Health Organization on the prevention and control of acquired immunodeficiency syndrome (AIDS).

Background

Reports of CPC and ACC

63. The report of CPC on its thirtieth session, part I (Headquarters, 7 May-8 June 1990), will include the Committee's views on its consideration of the report of ACC. Other issues dealt with by the Committee will be considered under the relevant agenda items.

64. ACC submits an annual report to the Council (Council resolution 13 (III)). In 1979, the Committee restructured its machinery in the light of General Assembly resolution 32/197; issues of system-wide scope dealt with by the Committee will be considered under the relevant agenda items. In order to provide the Council with a summary of the work carried out by the Committee machinery over the past 12 months, a brief annual report will be submitted.

65. In resolution 44/194, section V, on co-ordination matters, the General Assembly requested ACC to modify substantially the format and content of its annual overview report in accordance with the relevant conclusions and recommendations of CPC and invited the Council and CPC to improve their consideration of the annual overview report of ACC, in accordance with their respective mandates. In the same resolution, the General Assembly invited CPC and ACC, at their next joint meeting in 1990, to discuss, in a thorough manner, all measures for improving the efficacy of the joint meetings, including their structure and level of participation.

66. It will be recalled that by resolution 1988/64, the Council, *inter alia*, decided that, in future, the Joint Meetings of CPC and ACC should be held in New York in conjunction with the autumn session of ACC, and that appropriate measures for effective intergovernmental and intersecretariat follow-up of the conclusions and recommendations of the Joint Meetings should be reported, through CPC, to the Council at its second regular session in the following year. The twenty-fourth series of Joint Meetings was held at Headquarters from 16 to 18 October 1989 and dealt with the following questions: "Preparation of the international development strategy for the fourth United Nations development decade" and "Drug abuse control".

67. United Nations system-wide action plan on drug abuse control. The attention of the Council is drawn to General Assembly resolution 44/141 entitled "Global programme of action against illicit narcotic drugs", in which the Assembly requested the Secretary-General, in his capacity as Chairman of ACC, to co-ordinate, at the inter-agency level, the development of a United Nations system-wide action plan on drug abuse control aimed at the full implementation of all existing mandates and subsequent decisions of intergovernmental bodies throughout the system, using as a guide the Declaration and the recommendations of

the International Conference on Drug Abuse and Illicit Trafficking in its Comprehensive Multidisciplinary Outline for Future Activities in Drug Abuse Control and requested ACC to present the action plan to all Member States no later than 31 March 1990, in order to permit discussion by the Committee for Programme and Co-ordination at its thirtieth session and by the Economic and Social Council at its next regular session of 1990. It also requested the executive heads of the United Nations bodies to report annually to ACC on the progress made in implementing the action plan and the Committee to include the same information in its annual report, so as to enable the Committee for Programme and Co-ordination and the Economic and Social Council to consider it, within their respective mandates, and to make appropriate reports to the General Assembly.

68. Prevention and control of acquired immunodeficiency syndrome (AIDS). At its forty-fourth session, the General Assembly, inter alia, requested the Secretary-General, in view of the potentially serious implications of the AIDS pandemic for socio-economic development in some developing countries, to intensify his efforts, in collaboration with the Director-General of the World Health Organization, all other relevant organizations of the United Nations system and the World Health Organization/United Nations Development Programme Alliance to Combat AIDS, to mobilize the technical and other relevant resources of the United Nations system, at all levels, including at the regional and country levels, through co-ordinated research and programmes, to deal with this aspect of the problem; and to invite the Director-General of the World Health Organization, in close collaboration with the other organizations of the United Nations system and without prejudice to ongoing priorities and programmes, to continue to develop and advance the global strategy for the prevention and control of AIDS and to report to the General Assembly at its forty-fifth session, through the Council, on the implementation of the resolution (resolution 44/233).

69. Consumer protection. In resolution 1988/61, the Council, recalling General Assembly resolution 39/248, in which the Assembly adopted guidelines for consumer protection, requested the Secretary-General to promote the implementation of the guidelines and to ensure system-wide co-ordination in that regard; to continue to provide assistance to Governments, in particular those of developing countries, in implementing the guidelines, and to report to the Economic and Social Council at its second regular session of 1990 on the implementation of the resolution.

70. World Decade for Cultural Development. In resolution 41/187, the General Assembly proclaimed the period 1988-1997 the World Decade for Cultural Development. At its forty-fourth session, the General Assembly took note of the report of the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the progress of the Decade during the period 1988-1989 (A/44/284-E/1989/109) and requested the Secretary-General to obtain the views of Governments, appropriate organs and organizations of the United Nations system and relevant intergovernmental and non-governmental organizations on the objectives and scope of the global review for the purpose of evaluation, as recommended in paragraph 92 of the report on the Decade, and to submit those views to the Assembly at its forty-fifth session, through the Council. The Assembly also expressed support for the conduct of an evaluation at the mid-point of the Decade in 1993, under the auspices of the United

Nations and UNESCO, in order to evaluate the implementation of the Plan of Action for the Decade (resolution 44/238).

Documentation

Report of the Committee for Programme and Co-ordination on its thirtieth session (A/45/16)

Annual overview report of the Administrative Committee on Co-ordination for 1989 (E/1990/18 and Add.1)

Report of the Chairmen of the Committee for Programme and Co-ordination and the Administrative Committee on Co-ordination on the twenty-fourth series of Joint Meetings of the two Committees (E/1990/4)

Report of the Secretary-General on the United Nations system-wide action plan on drug abuse control (E/1990/39 and Corr.1)

Report of the Administrative Committee on Co-ordination on expenditures of the United Nations system in relation to programmes (E/1990/79)

Note by the Secretary-General transmitting the report of the Director-General of the World Health Organization on the prevention and control of acquired immunodeficiency syndrome (AIDS) (A/45/256-E/1990/58)

Report of the Secretary-General on consumer protection (E/1990/76)

Report of the Secretary-General on the mid-term review of the World Decade for Cultural Development (A/45/277-E/1990/77)

Item 11. Programme questions

71. In accordance with rule 31 of the rules of procedure of the Council, the Secretary-General will circulate the sections of the proposed medium-term plan for the period 1992-1997 covering activities in the economic, social and human rights fields. With a view to submitting appropriate recommendations to the General Assembly on the overall and programme priorities of the United Nations in the economic, social and related fields, the Council will examine in depth the relevant sections of the proposed medium-term plan in the light of the recommendations of the Committee for Programme and Co-ordination on the matter (Council resolution 1988/77).

72. The attention of the Council is drawn to General Assembly resolution 41/213, section II, concerning the planning, programming and budgeting process in the United Nations, as well as Assembly resolutions 42/215, 43/219 and 44/194 on programme planning.

Documentation

Relevant sections of the proposed medium-term plan for the period 1992-1997 (A/45/6)

Report of the Committee for Programme and Co-ordination on its thirtieth session (A/45/16)

Item 12. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

73. The Council will consider the reports of the Secretary-General and the President of the Council on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.

74. It will also have before it a note by the Secretary-General on assistance to the Palestinian people.

Background

75. The Council will continue to monitor the implementation of resolutions concerning the granting of independence to colonial countries and peoples by the specialized agencies and the international institutions associated with the United Nations (Council resolution 1989/95 and Assembly resolution 44/85).

76. At its thirty-third session, the General Assembly requested the Council to review annually, in consultation with the Special Committee against Apartheid, the assistance provided by agencies and institutions of the United Nations system to the oppressed people of South Africa and their national liberation movement (resolution 33/183 K).

77. At its forty-fourth session, the Assembly requested the Council to continue to consider, in consultation with the Special Committee on the Granting of Independence to Colonial Countries and Peoples, appropriate measures for co-ordination of the policies and activities of the specialized agencies and other organizations of the United Nations system in implementing the relevant resolutions of the Assembly (resolution 44/85).

78. Assistance to the Palestinian people. At its sixty-third session, in 1977, the Council requested the Secretary-General to submit to it annual reports on the question of assistance to the Palestinian people (resolution 2100 (LXIII)). The Secretary-General was requested to report to the General Assembly at its forty-fifth session, through the Council, on the progress made in the implementation of resolutions on the question (Council resolution 1989/96 and Assembly resolution 44/235).

Documentation

Report of the Secretary-General on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (A/45/)

Report of the President of the Council on consultations held with the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Chairman of the Special Committee against Apartheid (E/1990/72)

Note by the Secretary-General on assistance to the Palestinian people (E/1990/71))

Item 13. Disaster reduction and relief

(a) International strategy for the fight against locust and grasshopper infestation, particularly in Africa

79. The Council will have before it the report of the Director-General of the Food and Agriculture Organization of the United Nations (FAO) on the implementation of the international strategy for the fight against locust and grasshopper infestation, particularly in Africa.

Background

80. By resolution 1989/98 on the subject, which was endorsed by the General Assembly in its decision 44/438, the Council, inter alia, took note with interest of the report of the Secretary-General and of that of the Director-General of the Food and Agriculture Organization of the United Nations on the implementation of the international strategy for the fight against locust and grasshopper infestation, particularly in Africa (A/44/314-E/1989/115 and Add.1); welcomed the creation of the International Desert Locust Task Force under the technical and operational responsibility of FAO for the purpose of providing direct support to the countries affected; invited FAO to continue to play its role as lead agency in locust control and related research activities and to ensure that the proposals and plans of the International Desert Locust Task Force are implemented and fully complement the activities of national and regional authorities and donor activities; and requested the Director-General of FAO to submit to the Economic and Social Council at its second regular session of 1990 an up-to-date report on the implementation of the international strategy for the fight against locust and grasshopper infestation, particularly in Africa.

Documentation

Note by the Secretary-General transmitting the report of the Director-General of the Food and Agriculture Organization of the United Nations on the implementation of the international strategy for the fight against locust and grasshopper infestation, particularly in Africa (E/1990/59)

(b) Disaster relief co-ordination

81. The Council will have before it the report of the Secretary-General on the work of the Office of the United Nations Disaster Relief Co-ordinator.

Documentation

Report of the Secretary-General on the work of the Office of the United Nations Disaster Relief Co-ordinator (A/45/271-E/1990/78)

Item 14. Special economic and humanitarian assistance

(a) Special programmes of economic assistance

82. The Council will hear oral reports on assistance to the drought-stricken areas of Djibouti, Ethiopia, Kenya, Somalia, the Sudan and Uganda and on the progress made in the implementation of General Assembly resolutions 44/12 on Operation Lifeline Sudan, 44/177 on assistance for the reconstruction and development of Djibouti and 44/179 on assistance to Democratic Yemen, and Council resolution 1990/1 on emergency assistance to Samoa, American Samoa, Niue, Tokelau, Tonga, Tuvalu, and Wallis and Futuna.

83. The Council will consider under this item the recommendation contained in resolution WHA 42.15, entitled "Damage caused by torrential rain and flooding in Democratic Yemen and Djibouti", adopted by the forty-second World Health Assembly.

Background

84. Assistance to the drought-stricken areas of Djibouti, Ethiopia, Kenya, Somalia, the Sudan and Uganda. The Secretary-General apprises the Council annually, at its second regular session, of the status of this question (Council resolution 1983/46).

85. Operation Lifeline Sudan. At its forty-fourth session, the General Assembly requested the Secretary-General to continue to mobilize support and to co-ordinate the efforts of the international community, to intensify rehabilitation activities and to monitor and keep those activities under constant review and to report, through the Council, to the General Assembly at its forty-fifth session on the implementation of the resolution (resolution 44/12).

86. Assistance for the reconstruction and development of Djibouti. At its forty-fourth session, the Assembly requested the Secretary-General to continue and intensify his efforts to mobilize all possible assistance within the United Nations system to help the Government of Djibouti in its reconstruction and development efforts and to report to the Assembly at its forty-fifth session, through the Council at its second regular session of 1990, on the progress made in the implementation of the resolution (resolution 44/177).

87. Assistance to Democratic Yemen. At its forty-fourth session, the Assembly requested the Secretary-General to co-ordinate the efforts of the United Nations system to help Democratic Yemen to mobilize resources for the implementation of its rehabilitation and reconstruction programmes and to keep the international community informed of those needs and to report to the Assembly at its forty-fifth session, through the Council at its second regular session of 1990, on the implementation of the resolution (Assembly resolution 44/179).

88. Emergency assistance to Samoa, American Samoa, Niue, Tokelau, Tonga, Tuvalu, and Wallis and Futuna. At its organizational session for 1990, the Council, deeply concerned at the devastation caused to these countries and territories by cyclone "Ofa" from 2 to 6 February 1990, requested the Secretary-General, in collaboration with the international financial institutions and the bodies and organizations of the United Nations system, to assist the Governments of the affected countries and territories in identifying the medium-term and long-term needs and in mobilizing resources, and to help with the task of reconstruction of the affected countries and territories being undertaken by their respective Governments; and to report to the General Assembly at its forty-fifth session, through the Council at its second regular session of 1990, on the progress made in the implementation of the resolution (resolution 1990/1).

89. Damage caused by torrential rain and flooding in Democratic Yemen and Djibouti. At its organizational session for 1990, the Council decided to consider the recommendation contained in resolution WHA 42.15, entitled "Damage caused by torrential rain and flooding in Democratic Yemen and Djibouti", adopted by the forty-second World Health Assembly at its second regular session under the item entitled "Special economic and humanitarian assistance" (decision 1990/201, para. 12).

Documentation

Note by the Secretariat on damage caused by torrential rain and flooding in Democratic Yemen and Djibouti (E/1990/L.13)

(b) Humanitarian assistance

90. The Council will hear oral reports on the progress made in the implementation of a number of resolutions on humanitarian assistance adopted by the General Assembly at its forty-fourth session. Written reports will be submitted to the Assembly. A brief summary of the main provisions of these resolutions is given below.

Background

91. International Conference on Central American Refugees. The Assembly, *inter alia*, requested the United Nations High Commissioner for Refugees, in close collaboration with the Governments of the affected countries and the international Follow-Up Committee of the International Conference on Central American Refugees, held in Guatemala in May 1989, together with the United Nations Development Programme and the organs, specialized agencies and other organizations of the United Nations system, to support the meetings for follow-up of the Plan of Action adopted by the Conference, so that they might be held at the earliest possible time (resolution 44/139).

92. Assistance to refugees and displaced persons in Malawi. The Assembly requested the Secretary-General to continue his efforts to mobilize the necessary financial and material assistance for the full implementation of ongoing projects in the areas affected by the presence of refugees and displaced persons and

programmes now being implemented and requested the United Nations High Commissioner for Refugees to continue co-ordination with the appropriate specialized agencies (resolution 44/149).

93. Humanitarian assistance to refugees and displaced persons in Djibouti. The Assembly urged the United Nations High Commissioner for Refugees to intensify his efforts to mobilize, on an emergency basis, the necessary resources to implement lasting solutions with respect to the refugees in Djibouti and the increasing inflow of externally displaced persons (resolution 44/150).

94. Situation of refugees in the Sudan. The Assembly requested the Secretary-General to mobilize the necessary financial and material assistance for the full implementation of ongoing projects in the areas affected by the presence of refugees and requested the United Nations High Commissioner for Refugees to continue co-ordination with the appropriate specialized agencies (resolution 44/151).

95. Assistance to refugees in Somalia. The Assembly requested the Secretary-General, in co-operation with the Office of the United Nations High Commissioner for Refugees, the World Food Programme and the donor community, to launch an interim assistance programme; requested the pertinent organizations of the United Nations system to prepare detailed project documentation for the implementation of those projects and activities identified in the report of the Secretary-General (A/42/645) as priority endeavours for a comprehensive programme of action and requested the United Nations High Commissioner for Refugees and the Administrator of the United Nations Development Programme to apprise the Council of the progress made in their respective fields of responsibility with regard to those provisions of the resolution that concern them (resolution 44/152).

96. Assistance to refugees and returnees in Ethiopia. The Assembly requested the United Nations High Commissioner for Refugees to continue his efforts in mobilizing humanitarian assistance for the relief, rehabilitation and resettlement of voluntary returnees and the large number of refugees in Ethiopia (resolution 44/154).

97. Assistance to student refugees in southern Africa. The Assembly requested the United Nations High Commissioner for Refugees, in co-operation with the Secretary-General, to continue to keep the matter under review and to apprise the Council of the current status of the programmes (resolution 44/136).

Item 15. Report of the United Nations High Commissioner for Refugees

98. Unless the Council decides otherwise, at the specific request of one or more of its members or of the High Commissioner, at the time of the adoption of its agenda, the report is transmitted to the General Assembly without debate (resolution 1623 (LI), sect. II).

99. At its first regular session, the Council, having considered the request contained in the note verbale from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General (E/1990/89), decided to

consider under the item the question of the membership of the Executive Committee of the programme of the United Nations High Commissioner for Refugees (decision 1990/258).

Background

100. The Executive Committee was established by the Council in resolution 672 (XXV) of 30 April 1958. Its terms of reference are set forth in General Assembly resolution 1166 (XII) of 26 November 1957.

101. The membership of the Executive Committee was originally 24; it was increased to 25 by Council resolution 682 (XXVI) of 21 July 1958, to 30 by General Assembly resolution 1958 (XVIII) of 12 December 1963, to 31 by Council resolution 1288 (XLI) of 18 December 1967, to 40 by Assembly resolution 33/25 of 29 November 1978. The Council, by decision 1982/110 of 16 April 1982, pursuant to the request made by the Assembly in paragraph 7 of its resolution 36/121 D of 10 December 1981, decided to enlarge the membership of the Executive Committee to 41 members. Subsequently, the membership was increased to 43 by Assembly resolution 42/130 of 7 December 1987. The Executive Committee consists of representatives of States Members of the United Nations or members of any of the specialized agencies, elected by the Council on the widest geographical basis from those States with a demonstrated interest in, and devotion to, the solution of the refugee problem. 6/

Documentation

Report of the United Nations High Commissioner for Refugees (E/1990/60)

Note verbale dated 17 May 1990 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General (E/1990/89)

Item 16. Elections

102. By its decision 1990/212 the Council decided to postpone elections to the following bodies:

6/ The term of office of the members of the Executive Committee is for the duration of the High Commissioner's mandate. The current membership is as follows: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Colombia, Denmark, Finland, France, Germany, Federal Republic of, Greece, Holy See, Iran (Islamic Republic of), Israel, Italy, Japan, Lebanon, Lesotho, Madagascar, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Somalia, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia and Zaire.

(a) Commission on Human Settlements

From African States: three members for a four-year term beginning on 1 January 1991.

From Asian States: two members for a four-year term beginning on 1 January 1991.

(b) Committee on Natural Resources

From African States: three members for a four-year term beginning on 1 January 1991 and three members for a term beginning on the date of election and expiring on 31 December 1992.

From Asian States: three members for a four-year term beginning on 1 January 1991, three members for a term beginning on the date of election and expiring on 31 December 1992 and two members for a term beginning on the date of election and expiring on 31 December 1990.

From Western European and other States: five members for a four-year term beginning on 1 January 1991, four members for a term beginning on the date of election and expiring on 31 December 1992 and three members for a term beginning on the date of election and expiring on 31 December 1990.

(c) Commission on Transnational Corporations

From Latin America and Caribbean States: one member for a three-year term beginning on 1 January 1991.

From Western European and other States: one member for a three-year term beginning on 1 January 1991.

(d) Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting

From African States: two members for a three-year term beginning on 1 January 1991, one member for a term beginning on the date of election and expiring on 31 December 1991 and two members for a term beginning on the date of election and expiring on 31 December 1990.

From Asian States: one member for a three-year term beginning on 1 January 1991 and two members for a term beginning on the date of election and expiring on 31 December 1990.

From Latin American and Caribbean States: one member for a three-year term beginning on 1 January 1991 and two members for a term beginning on the date of election and expiring on 31 December 1990.

From Western European and other States: one member for a three-year term beginning on 1 January 1991.

Interim election to fill two vacancies on the International Narcotics Control Board

103. In accordance with article 10, paragraph 5, of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended by the 1972 protocol, the Council should as soon as possible fill two interim vacancies which have occurred on the International Narcotics Control Board and elect two members for the remainder of the two terms, in accordance with the applicable provisions of article 9 of the Convention.

III. ORGANIZATION OF WORK

104. The second regular session of the Council will open at the Palais des Nations, Geneva, on Wednesday, 4 July 1990, at 10.30 a.m. The President and the Secretary-General will address the Council.

A. Matters relating to items to be considered in plenary

105. The Council will begin its general discussion of international economic and social policy, including regional and sectoral developments (item 2) at 3 p.m. on Wednesday, 4 July, and end on Tuesday, 10 July. By its decision 1990/201, paragraph 14, the Council decided to focus in its general discussion on the issue of resources for development and external indebtedness of the developing countries. The list of speakers for the general discussion was opened in New York on Tuesday, 29 May, at 10.30 a.m. and will be closed at Geneva on Wednesday, 4 July, at 6 p.m. 1/ Delegations are reminded that in accordance with Council resolution 1989/114, statements should not exceed 15 minutes.

106. In connection with statements on the other items on the agenda, it is suggested that, as in previous years, a time-limit of 15 minutes be set for statements under clustered items and 10 minutes for statements under other agenda items.

107. In accordance with paragraph 22 of Council resolution 1989/114, on Thursday, 12 July, there will be an informal exchange of views among members of the Council, with the participation of the executive heads of organs, organizations and bodies of the United Nations system concerned on the following issue: impact of the recent evolution of East-West relations on the growth of the world economy, in particular on the economic growth and development of the developing countries, as well as on international economic co-operation (Council decision 1990/205, para. 1 (a)).

1/ Delegations wishing to take part in the general discussion are requested to notify the secretariat of the Economic and Social Council (room S-2977-C, telephone 963-5734). After 29 June, delegations may contact the secretariat at the Palais des Nations, Geneva (telephone 022-7346011).

108. In accordance with established practice, the executive secretaries of the regional commissions will address the Council under item 2. The morning of Monday, 9 July, has been allocated for the statements of the executive secretaries. As in previous years, delegations will have an opportunity to have an informal exchange of views with the executive secretaries following their statements. Members may wish to take note of that date.

109. Pursuant to Council decision 1990/201, paragraph 9, Wednesday, 11 July, has been allocated for the consideration of the question of the Second United Nations Conference on the Least Developed Countries under the item entitled "Development and international economic co-operation: trade and development".

B. Matters relating to the work of the sessional committees

110. In paragraph 23 of its resolution 1989/114, the Council decided that the sessional committees should not begin their substantive work until the conclusion of the general discussion and that, to the extent possible, those committees should devote more time to a constructive dialogue on the agenda items under consideration, with the active participation of representatives of the organizations of the United Nations system concerned. Accordingly, the First (Economic) Committee and the Third (Programme and Co-ordination) Committee will begin their work on Wednesday, 11 July.

111. At its organizational session for 1990, in connection with the items for consideration at its second regular session, the Council, by decision 1990/201, decided:

(a) That, when considering the reports of the World Food Council on its sixteenth session and the Committee on the Development and Utilization of New and Renewable Sources of Energy on its fifth session, it would not consider new draft proposals, except for specific recommendations contained in those reports that required action by the Council and proposals on matters relating to the co-ordination aspects of the work of those bodies;

(b) To consider the report of the Trade and Development Board of the United Nations Conference on Trade and Development on the second part of its thirty-sixth session and to authorize the Secretary-General to transmit directly to the General Assembly at its forty-fifth session the report of the Board on the first part of its thirty-seventh session;

(c) To conduct its annual policy review of operational activities for development for 1990 and to focus on ways and means of ensuring the implementation of General Assembly resolution 44/211, including the proposed three-year schedule for implementation of the resolution by all relevant organs, organizations and bodies of the United Nations system;

(d) That, when considering the report of the Governing Council of the United Nations Development Programme on its thirty-seventh session, it would not consider the part of the report dealing with the United Nations Population Fund, except for the recommendations contained therein that require action by the Council.

C. Availability of conference services

112. The attention of the Council is drawn to the following conference-servicing aspects of the second regular session:

(a) From 4 to 10 July, interpretation facilities will be provided for plenary meetings only; thereafter and until 23 July, interpretation facilities will be provided for plenary meetings and meetings of the First (Economic) Committee and the Third (Programme and Co-ordination) Committee to be held concurrently, as well as for informal meetings held in place of formal meetings. From 24 to 27 July, no meetings of the sessional committees are scheduled to be held;

(b) There is no provision for conference services for night meetings during the session;

(c) Beyond the conference services allocated to the Council (see subpara. (a) above), no additional services will be available for regional or group meetings. In the event of scheduled meetings being cancelled, it is anticipated that those services could be made available for such consultations;

(d) Unless otherwise specified, all meetings will begin punctually at 10 a.m. and 3 p.m.

D. Summary records and statements in explanation of vote

113. By its decision 1989/174, the Council decided to discontinue, for a further period of two years, from 1990, summary records for its sessional committees (First (Economic) Committee, Second (Social) Committee and Third (Programme and Co-ordination) Committee). Delegations wishing their statements in explanation of vote to be reflected in the summary records of the Council should make such statements in plenary meetings, at the time the reports of the sessional committees are considered, without prejudice to any other statements that they may wish to make in the committees. In this connection, observers wishing to make statements on the recommendations contained in the reports of the sessional committees are requested to do so before statements in explanation of vote are made by members of the Council.

E. Statements in exercise of the right of reply

114. It is suggested that, bearing in mind the provisions of rule 46 of the Council's rules of procedure, the Council continue the practice followed at the first regular session concerning statements in exercise of the right of reply, namely, that delegations should exercise their right of reply at the end of the day whenever two meetings have been scheduled for that day and whenever such meetings are devoted to the consideration of the same item, that the number of interventions by any delegation of a given meeting should be limited to two per item, and that the first intervention be limited to five minutes and the second intervention be limited to three minutes.

F. Programme of work

115. At its 15th meeting, on 25 May 1990, the Council approved the schedule of meetings for its second regular session of 1990, as set out below (see decision 1990/258).

Schedule of meetings
(Geneva, 4-27 July 1990)

	PLENARY	FIRST (ECONOMIC) COMMITTEE	THIRD (PROGRAMME AND CO-ORDINATION) COMMITTEE
<u>Week of 2-6 July</u> Wednesday, 4 July 10.30 a.m. 3 p.m. 6 p.m.	Opening of the session Item 1: Adoption of the agenda and other organizational matters Item 2: General discussion of international economic and social policy, including regional and sectoral developments Closure of list of speakers on item 2		
Thursday, 5 July 10 a.m. and 3 p.m. Friday, 6 July 10 a.m. and 3 p.m.	Item 2 (continuation of general discussion) Item 2 (continuation of general discussion)		
<u>Week of 9-13 July</u> Monday, 9 July 10 a.m. and 3 p.m.	Item 2 (continuation of general discussion) Statements by the executive secretaries of the regional commissions		
Tuesday, 10 July 10 a.m. 6 p.m.	Item 2 (conclusion of general discussion) Closure of list of speakers on the question of the Second United Nations Conference on the Least Developed Countries (item 7 (a)) and on the question of the convening of an international meeting on population in 1994 (item 1)		

	PLENARY	FIRST (ECONOMIC) COMMITTEE	THIRD (PROGRAMME AND CO-ORDINATION) COMMITTEE
Wednesday, 11 July			
10 a.m.	Item 7: Development and international economic co-operation (a) Trade and development Second United Nations Conference on the Least Developed Countries 8/		Election of officers Organization of work Item 13: Disaster reduction and relief (introduction and general discussion) (a) International strategy for the fight against locust and grasshopper infestation, particularly in Africa (b) Disaster relief co-ordination Item 14: Special economic and humanitarian assistance (introduction and general discussion) Item 13 (continuation of general discussion) Item 14 (continuation of general discussion) Closure of list of speakers on items 13 and 14
3 p.m.	Item 1: Adoption of the agenda and other organisational matters Convening of an international meeting on population in 1994	Election of officers Organization of work Item 6: Regional co-operation Closure of list of speakers on item 6	
6 p.m.			
Thursday, 12 July			
10 a.m.	Exchange of views with executive heads of organizations of the United Nations system on the question of the impact of the recent evolution of East-West relations on the growth of the world economy, in particular on the economic growth and development of the developing countries, as well as on international economic co-operation Deadline for submission of draft proposals under item 1 (with the exception of draft proposals on capital punishment) and item 2 Conclusion of informal consultations	Item 6 (continuation of general discussion) Item 6 (continuation of general discussion) Item 6 (continuation of general discussion)	Item 13 (continuation of general discussion) Item 14 (continuation of general discussion) Item 13 (continuation of general discussion) Item 14 (continuation of general discussion)
12 noon			
3 p.m.			

	PLENARY	FIRST (ECONOMIC) COMMITTEE	THIRD (PROGRAMME AND CO-ORDINATION) COMMITTEE
Thursday, 12 July 3 p.m. (continued)			Item 12: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (introduction and general discussion) Closure of the list of speakers on item 12
6 p.m.	Closure of list of speakers on item 5		
Friday, 13 July 10 a.m.	Item 5: International co-operation in the elimination of the consequences of the accident at the Chernobyl nuclear power plant Introduction of draft proposals under items 1 and 2	Item 7: Development and international economic co-operation Item 7 (a): Trade and development Item 7 (b): International development strategy for the fourth United Nations development decade Item 7 (h): Implementation of the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries Closure of list of speakers on items 7 (a), (b) and (h) Deadline for submission of draft proposals under item 6	Item 12 (conclusion of general discussion)
1 p.m.			Deadline for submission of draft proposals under items 13 and 14
3 p.m.	Informal consultations on plenary items	Continuation of general discussion on sub-items 7 (a), (b) and (h)	Item 10: Co-ordination questions (introduction and general discussion) Item 11: Programme questions Closure of list of speakers on items 10 and 11
6 p.m.	Closure of list of speakers on items 3 and 4		Items 10 and 11 (continuation of general discussion)

	PLENARY	FIRST (ECONOMIC) COMMITTEE	THIRD (PROGRAMME AND CO-ORDINATION) COMMITTEE
Week of 16-20 July Monday, 16 July 10 a.m.	Item 3: Revitalization of the Economic and Social Council	Item 7 (d): Transnational corporations Item 7 (g): International co-operation in tax matters Closure of list of speakers on items 7 (d) and (g) Deadline for submission of draft proposals under items 7 (a), (b) and (h)	Item 10 (continuation of general discussion) Item 11 (continuation of general discussion) Deadline for submission of draft proposals on item 12
1 p.m.			
3 p.m.	Item 4: Permanent sovereignty over national resources in the occupied Palestinian and other Arab territories	Item 7 (d): Transnational corporations (continuation of general discussion) Item 7 (g): International co-operation in tax matters (continuation of general discussion)	Item 10 (conclusion of general discussion) Item 11 (conclusion of general discussion)
6 p.m.	Deadline for submission of draft proposals under item 5 Closure of list of speakers on item 1 (Capital punishment) and item 15		
Tuesday, 17 July 10 a.m.	Item 15: Report of the United Nations High Commissioner for Refugees Item 1: Adoption of the agenda and other organizational matters Capital punishment Deadline for submission of draft proposals under item 4	Items 7 (d) and (g) (continuation of general discussion)	Item 9: Operational activities for development (introduction and general discussion)
1 p.m.	Introduction of draft proposals under item 5 followed by Informal consultations on plenary items	Item 7 (e): World Food Council Item 7 (e): Development and utilization of new and renewable sources of energy Item 7 (f): Development of energy resources of developing countries Informal consultations	Closure of list of speakers on item 9 Deadline for submission of draft proposals on items 10 and 11 Item 9 (conclusion of general discussion)
3 p.m.			

	PLENARY	FIRST (ECONOMIC) COMMITTEE	THIRD (PROGRAMME AND CO-ORDINATION) COMMITTEE
Tuesday, 17 July (continued) 6 p.m.		Closure of list of speakers on items 7 (c), (e) and (f) Deadline for submission of draft proposals under items 7 (d) and (g)	
Wednesday, 18 July 10 a.m.	Introduction of draft proposals under item 4 followed by Informal consultations on plenary items	Items 7 (c), (e) and (f) (continuation of general discussion)	Item 9 (conclusion of general discussion)
1 p.m.	Deadline for submission of draft proposals under items 1 (Capital punishment), 3 and 15		
3 p.m.	Informal consultations on plenary items	Action on draft proposals submitted under items 6 and 7 (a), (b) and (h) Deadline for the submission of draft proposals under items 7 (c), (e) and (f)	Item 9 (conclusion of general discussion) Deadline for submission of draft proposals under item 9
6 p.m.			
Thursday, 19 July 10 a.m.	Introduction of draft proposals under items 1 (Capital punishment), 3 and 15 followed by Informal consultations on plenary items	Informal consultations	Informal consultations
3 p.m.	Informal consultations on plenary items	Action on draft proposals submitted under items 7 (d) and (g)	Action on draft proposals submitted under items 12, 13 and 14
Friday, 20 July 10 a.m.	Informal consultations on plenary items	Informal consultations	Informal consultations
3 p.m.	Informal consultations on plenary items	Action on draft proposals submitted under items 7 (c), (e) and (f) Conclusion of the work of the First (Economic) Committee	Action on draft proposals submitted under items 10, 11 and 12

	PLENARY	FIRST (ECONOMIC) COMMITTEE	THIRD (PROGRAMME AND CO-ORDINATION) COMMITTEE
<u>Week of 23-27 July</u>			
<u>Monday, 23 July</u>			
10 a.m.	Informal consultations on plenary items		Action on draft proposals submitted under item 9
3 p.m.	Action on draft proposals submitted under items 1, 4 and 5		Conclusion of the work of the Third (Programme and Co-ordination) Committee
<u>Tuesday, 24 July</u>			
10 a.m.	No meeting		
3 p.m.	Action on draft proposals submitted under items 2, 3 and 15		
<u>Wednesday, 25 July</u>			
10 a.m.	No meeting		
3 p.m.	Item 16: Elections Consideration of reports of the sessional committees, as available		
<u>Thursday, 26 July</u>			
3 p.m.	Consideration of reports of the sessional committees, as available		
<u>Friday, 27 July</u>			
3 p.m.	Consideration of remaining reports of sessional committees Conclusion of the work of the second regular session of 1990		





Economic and Social Council

Distr.
GENERAL

E/1990/93
6 June 1990

ORIGINAL: ENGLISH

Second regular session of 1990
Item 3 of the provisional agenda*

REVITALIZATION OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the task force on documentation

SUMMARY

The task force on documentation, meeting in pursuance of paragraph 16 of Economic and Social Council resolution 1989/114 and decision 1990/201, sect. M, stressed the need for the full implementation of the relevant provisions of existing resolutions and decisions of the Council and of the General Assembly aimed at reducing the volume of documentation, as an integral part of the revitalization process of the Council.

It selected measures it considered particularly relevant directed to the Bureau of the Council, in monitoring the preparation of documentation for the Council; to its functional commissions and subsidiary bodies; and to the Secretariat.

* E/1990/92.

INTRODUCTION

1. In paragraph (d) of its decision 1989/105 of 5 May 1989, the Economic and Social Council decided:

"To review within the context of its consideration of item 3 (Revitalization of the Economic and Social Council), in accordance with paragraph 1 (i) of Council resolution 1982/50 of 28 July 1989 and paragraph 2 (f) (vii) of Council resolution 1988/77 and in accordance also with its basic programme of work, all recurrent and other documentation requested under an existing legislative authority in order to determine whether any document has become redundant, has lost its usefulness or could be issued at less frequent intervals, on the basis of a report to be prepared for that purpose by an open-ended task force to be convened by the President."

2. The President of the Council requested Mr. Felipe Héctor Paolillo (Uruguay), Vice-President of the Council for 1989, to assume responsibility, on his behalf, for convening the open-ended task force and for reporting to the Council on the matter at its second regular session of 1989.
3. At the Council's second regular session of 1989, the Chairman of the task force reported orally on the results of its meetings. 1/ The Council, in paragraph 16 of its resolution 1989/114 of 28 July 1989, entitled "Further measures for the implementation of Economic and Social Council resolution 1988/77 on the revitalization of the Council", took note with appreciation of the report made by the Chairman of the task force and requested it to continue its work with a view to submitting concrete recommendations to the Council at its organizational session for 1990, taking duly into account the relevant provisions of that resolution.
4. Prior to the organizational session of the Council, the task force held three meetings in 1990, on 8, 11 and 16 January 1990. The recommendations of the task force were submitted to the Council in document E/1990/13.
5. At the organizational session for 1990, the Council, having considered the report of the task force (E/1990/13), requested the task force to prepare a final report for consideration at its second regular session of 1990 under the item entitled "Revitalization of the Economic and Social Council" (decision 1990/201, sect. M).
6. The task force on documentation met on 16 May and 1 June 1990 under the chairmanship of Mr. John O. Burke (Ireland), Vice-President of the Economic and Social Council for 1990. The final recommendations of the task force are set forth below.

RECOMMENDATIONS OF THE TASK FORCE

7. In making its recommendations to the Council, the task force stressed that the implementation of the provisions of existing resolutions and decisions of the Economic and Social Council and of the General Assembly aimed at reducing the volume of documentation ^{2/} was essential in order to attain the reduction desired. The task force emphasized the need for the full implementation of the relevant provisions of Council resolutions 1988/77 and 1989/114 concerning documentation.

8. Taking into account existing legislation and its own deliberations, the task force recommends to the Council the adoption of the following measures, which it considers particularly relevant to improving the quality and reducing the volume of documentation as an integral part of the revitalization process of the Economic and Social Council.

A. Measures directed to the Council

9. In monitoring the status of documentation, in pursuance of paragraph 10 of Council resolution 1989/114, the Bureau may wish to consider the possibility of proposing priorities for the preparation and issuance of documentation in order to ensure its timely submission to the Council and to avoid overwhelming the Council with excessive documentation.

10. The task force recalled that it had been the practice of the Council to hear oral reports on questions relating to special economic, humanitarian and disaster relief assistance, and on other matters. The possibility of extending that practice should be explored.

11. The Council, should, as a general rule, have before it under the appropriate agenda item, as required, only the report of the subsidiary body concerned, the relevant consolidated report and the relevant reports, as appropriate, requested in paragraphs 4 and 11 of Council resolution 1989/114.

B. Measures directed to the functional commissions and other subsidiary bodies of the Council

12. In submitting their reports to the Council, the functional commissions and other subsidiary bodies of the Council are requested:

(a) To ensure that their reports are presented in a format which will facilitate the Council's substantive deliberations;

(b) To ensure that their reports do not exceed 32 pages; that they are prefaced by an executive summary which also summarizes the actions recommended to the Council; and that the recommendations in the body of the report are presented in the form of draft proposals for approval by the Council;

(c) To continue the practice of submitting a draft provisional agenda for the following session, together with a list of the requested documentation, for approval by the Council.

13. The functional commissions and other subsidiary bodies of the Council are requested:

(a) To review all their recurrent documents in order to determine which have become redundant, have lost their usefulness or could be issued at less frequent intervals, and to report thereon to the Council, at a time to be established by the Council, and to exercise restraint in making requests for new documentation;

(b) To refrain from requesting the Secretary-General to submit reports directly to the Council and/or the General Assembly and from transmitting reports submitted to them for consideration by the Council and/or the General Assembly.

C. Measures directed to the Secretariat

14. In preparing documentation for the Council, the Secretariat is requested:

(a) To adhere to a 24-page limit;

(b) To ensure that all Secretariat documents considered under a given item are consolidated into a single document that is prefaced by an executive summary highlighting matters requiring action or brought to the attention of the Council;

(c) To draw to the attention of the Council or other intergovernmental body concerned, before decisions are adopted, any request for documentation that the Secretariat would be unable to prepare and process on time and within approved resources;

(d) To ensure that - with the exception, as necessary, of reports of intergovernmental bodies reporting to the Council - documentation is available in accordance with the six-week rule.

Notes

1/ See E/1989/SR.31.

2/ General Assembly resolution 36/117, Council resolutions 1770 (LIV), 1894 (LVII), 1979/1, 1979/41 and 1982/50 and Council decisions 65 (ORG-75) and 1988/101.



Economic and Social Council

Distr.
GENERAL

E/1990/94
12 June 1990

ORIGINAL: ENGLISH

Second regular session of 1990
Item 7 (d) of the provisional agenda*

**DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION:
TRANSNATIONAL CORPORATIONS**

Letter dated 31 May 1990 from the Chairman of the reconvened special session of the Commission on Transnational Corporations to the President of the Economic and Social Council

In accordance with Economic and Social Council resolution 1990/204, the special session of the Commission on Transnational Corporations was reconvened on 24 May 1990 "with a view to concluding the work on the formulation of the code of conduct on transnational corporations for transmission to the Economic and Social Council at its second regular session". That resolution was in consonance with the decision of the enlarged Bureau of the reconvened special session to conclude negotiations by May 1990. Those negotiations began more than a decade ago and in recent years they have concentrated on a few important outstanding issues. In 1988, the Chairman of the reconvened special session and the Secretary-General prepared a text of the draft code, drawing upon the discussions and proposals presented over the years. That text was reproduced in document E/1988/39/Add.1.

During the meetings of the enlarged Bureau in January 1990, a number of amendments were submitted, which were discussed in April and May. In the light of the April discussions, the Secretary-General prepared a draft code of conduct, which was distributed informally. Although it was not possible to agree on a final draft code of conduct, it is important to note that the vast majority of its provisions have already been accepted. It should therefore not be difficult to reach agreement on compromise formulations of the remaining provisions. In an effort to facilitate that compromise while preserving the already agreed texts, the Chairman, at the meeting on 24 May 1990, announced that he would transmit to the Economic and Social Council the text of a draft code of conduct, based on document E/1988/39/Add.1 and bearing in mind the informal draft of the Secretary-General and the discussion in the enlarged Bureau. That text is annexed hereto.

* E/1990/92.

E/1990/94

English

Page 2

The Bureau considers that the work of the reconvened special session of the Commission on Transnational Corporations has been concluded and it is the Chairman's impression that the text annexed will receive the support of the overwhelming majority of countries from all regional groups.

(Signed) Miguel Marin-Bosch
Chairman

Reconvened special session of the
Commission of Transnational Corporations

Annex

PROPOSED TEXT OF THE DRAFT CODE OF CONDUCT
ON TRANSNATIONAL CORPORATIONS

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
PREAMBLE		5
DEFINITIONS AND SCOPE OF APPLICATION	1 - 6	5
ACTIVITIES OF TRANSNATIONAL CORPORATIONS	7 - 46	6
A. <u>General</u>	7 - 20	6
Respect for national sovereignty and observance of domestic laws, regulations and administrative practices	7 - 9	6
Adherence to economic goals and development objectives, policies and priorities	10 - 11	6
Review and renegotiation of contracts and agreements	12	7
Adherence to socio-cultural objectives and values	13	7
Respect for human rights and fundamental freedoms	14	7
Non-collaboration by transnational corporations with the racist minority régime in South Africa	15	7
Non-interference in internal affairs of host countries	16	8
Non-interference in intergovernmental relations	17 - 19	8
Abstention from corrupt practices	20	8
B. <u>Economic, financial and social</u>	21 - 43	8
Ownership and control	21 - 24	8
Employment conditions and industrial relations	25	9
Balance of payments and financing	26 - 32	9
Transfer pricing	33	10
Taxation	34	10

CONTENTS (continued)

	Paragraphs	Page
Competition and restrictive business practices	35	10
Transfer of technology	36	11
Consumer protection	37 - 40	11
Environmental protection	41 - 43	12
C. <u>Disclosure of information</u>	44 - 46	12
TREATMENT OF TRANSNATIONAL CORPORATIONS	47 - 58	15
A. <u>General provisions relating to the treatment of transnational corporations</u>	47 - 54	15
B. <u>Nationalization and compensation</u>	55	16
C. <u>Jurisdiction</u>	56	16
D. <u>Dispute settlement</u>	57 - 58	16
INTERGOVERNMENTAL CO-OPERATION	59 - 65	16
IMPLEMENTATION OF THE CODE OF CONDUCT	66 - 71	17
A. <u>Action at the national level</u>	66	17
B. <u>International institutional machinery</u>	67 - 70	17
C. <u>Review procedure</u>	71	18

PREAMBLE

The General Assembly,

Recalling Economic and Social Council resolutions 1908 (LVII) of 2 August 1974 and 1913 (LVII) of 5 December 1974, establishing the Commission on Transnational Corporations and the United Nations Centre on Transnational Corporations with the mandate, as their highest priority of work, of concluding a Code of Conduct on Transnational Corporations,

Convinced that a universally accepted, comprehensive and effective Code of Conduct on Transnational Corporations is an essential element in the strengthening of international economic and social co-operation and, in particular, in achieving one of the main goals and objectives in that co-operation, namely, to maximize the contributions of transnational corporations to economic development and growth and to minimize the negative effects of the activities of these corporations.

Decides to adopt the following Code of Conduct on Transnational Corporations:

DEFINITIONS AND SCOPE OF APPLICATION

1. (a) This Code is universally applicable to enterprises, irrespective of their country of origin and their ownership, including private, public or mixed, comprising entities in two or more countries, regardless of the legal form and fields of activity of these entities, which operate under a system of decision-making, permitting coherent policies and a common strategy through one or more decision-making centres, in which the entities are so linked, by ownership or otherwise, that one or more of them may be able to exercise a significant influence over the activities of others and, in particular, to share knowledge, resources and responsibilities with the others. Such enterprises are referred to in this Code as transnational corporations.

(b) The term "entities" in the Code refers to both parent entities - that is, entities which are the main source of influence over others - and other entities, unless otherwise specified in the Code.

(c) The term "transnational corporation" in the Code refers to the enterprise as a whole or its various entities.

(d) The term "home country" means the country in which the parent entity is located. The term "host country" means a country other than the home country in which an entity other than the parent entity is located.

(e) The term "country in which a transnational corporation operates" refers to a home or host country in which an entity of a transnational corporation conducts operations.

2. For the application of this Code, it is irrelevant whether or not enterprises as described in paragraph 1 (a) above are referred to in any country as transnational corporations.
3. The Code is universally applicable in all States, regardless of their political and economic systems or their level of development.
4. The provisions of the Code addressed to transnational corporations reflect good practice for all enterprises. Subject to the provisions of paragraph 52, wherever the provisions of the Code are relevant to both, transnational corporations and domestic enterprises shall be subject to the same expectations with regard to their conduct.
5. Subject to the relevant constitutions, charters or other fundamental laws of the regional groupings of States concerned, any reference in this Code to States, countries or Governments, also includes regional groupings of States, to the extent that the provisions of this Code relate to matters within these groupings' own competence, with respect to such competence.
6. In their interpretation and application the provisions of this Code are interrelated and each provision should be construed in the context of the other provisions.

ACTIVITIES OF TRANSNATIONAL CORPORATIONS

A. General

Respect for national sovereignty and observance of domestic laws, regulations and administrative practices

7. Transnational corporations shall respect the national sovereignty of the countries in which they operate and the right of each State to exercise its permanent sovereignty over its natural wealth and resources.
8. An entity of a transnational corporation is subject to the laws, regulations and established administrative practices of the country in which it operates.
9. Transnational corporations shall respect the right of each State to regulate and monitor accordingly the activities of their entities operating within its territory.

Adherence to economic goals and development objectives, policies and priorities

10. Transnational corporations should carry out their activities in conformity with the development policies, objectives and priorities set out by the Governments of the countries in which they operate and work seriously towards making a positive contribution to the achievement of such goals at the national and, as appropriate, the regional level, within the framework of regional integration programmes. Transnational corporations should co-operate with the Governments of the countries

in which they operate with a view to contributing to the development process and should be responsive to requests for consultation in this respect, thereby establishing mutually beneficial relations with these countries.

11. Transnational corporations should carry out their operations in conformity with applicable intergovernmental co-operative arrangements concluded by the countries in which they operate.

Review and renegotiation of contracts and agreements

12. (a) Contracts or agreements between Governments and transnational corporations should be negotiated and implemented in good faith. In such contracts or agreements, especially long-term ones, review or renegotiation clauses should normally be included.

(b) In the absence of such clauses and where there has been a fundamental change of the circumstances on which the contract or agreement was based, transnational corporations, acting in good faith, should co-operate with Governments for the review or renegotiation of such contract or agreement.

Adherence to socio-cultural objectives and values

13. Transnational corporations should respect the social and cultural objectives, values and traditions of the countries in which they operate. While economic and technological development is normally accompanied by social change, transnational corporations should avoid practices, products or services which cause detrimental effects on cultural patterns and socio-cultural objectives as determined by Governments. For this purpose, transnational corporations should respond positively to requests for consultations from Governments concerned.

Respect for human rights and fundamental freedoms

14. Transnational corporations shall respect human rights and fundamental freedoms in the countries in which they operate. In their social and industrial relations, transnational corporations shall not discriminate on the basis of race, colour, sex, religion, language, social, national and ethnic origin or political or other opinion. Transnational corporations shall conform to government policies designed to extend equality of opportunity and treatment.

Non-collaboration by transnational corporations with the racist minority régime in South Africa

15. In accordance with the efforts of the international community towards the elimination of apartheid in South Africa,

(a) Transnational corporations shall refrain from operations and activities supporting and sustaining the racist minority régime of South Africa in maintaining the system of apartheid;

(b) Transnational corporations shall engage in appropriate activities within their competence with a view to eliminating racial discrimination and all other aspects of the system of apartheid;

(c) Transnational corporations shall comply strictly with obligations resulting from Security Council decisions and shall fully respect those resulting from all relevant United Nations resolutions.

Non-interference in internal affairs of host countries

16. Without prejudice to the participation of transnational corporations in activities that are permissible under the laws, regulations or established administrative practices of host countries, and without prejudice to paragraph 8 of the Code, transnational corporations shall not interfere in the internal affairs of host countries.

Non-interference in intergovernmental relations

17. Transnational corporations shall not interfere in intergovernmental relations provided that this provision shall not preclude such activities as are sanctioned within the framework of bilateral or multilateral co-operation.

18. Transnational corporations should not request Governments acting on their behalf to take the measures referred to in the second sentence of paragraph 65.

19. With respect to the exhaustion of local remedies, transnational corporations should not request Governments to act on their behalf in any manner inconsistent with paragraph 65.

Abstention from corrupt practices

20. (a) Transnational corporations shall refrain, in their transactions, from the offering, promising or giving of any payment, gift or other advantage to or for the benefit of a public official as consideration for performing or refraining from the performance of his duties in connection with those transactions.

(b) Transnational corporations shall maintain accurate records of any payments made by them to any public official or intermediary. They shall make available these records to the competent authorities of the countries in which they operate, upon request, for investigations and proceedings concerning those payments.

B. Economic, financial and social

Ownership and control

21. Transnational corporations should make every effort so to allocate their decision-making powers among their entities as to enable them to contribute to the economic and social development of the countries in which they operate.

22. To the extent permitted by national laws, policies and established administrative practices of the country in which it operates, each entity of a transnational corporation should co-operate with the other entities, in accordance with the actual distribution of responsibilities among them and consistent with paragraph 22, so as to enable each entity to meet effectively the requirements established by the laws, policies and regulations of the country in which it operates.

23. Transnational corporations should carry out their personnel policies in accordance with the national policies of each of the countries in which they operate which give priority to the employment and promotion of its nationals at all levels of management and direction of the affairs of each entity so as to enhance the effective participation of its nationals in the decision-making process.

24. Transnational corporations should contribute to the managerial and technical training of nationals of the countries in which they operate and facilitate their employment at all levels of management of the entities and enterprises as a whole.

Employment conditions and industrial relations

25. For the purposes of this Code, the principles set out in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the International Labour Office, should apply in the field of employment, training, conditions of work and life and industrial relations.

Balance of payments and financing

26. Transnational corporations shall carry out their operations in conformity with laws and regulations and with full regard to the policy objectives set out by the countries in which they operate, particularly developing countries, relating to balance of payments, financial transactions and other issues dealt with in the subsequent paragraphs of this section. These obligations are without prejudice to multilaterally agreed trade rules and sound commercial practices.

27. Transnational corporations should respond positively to requests for consultation on their activities from the Governments of the countries in which they operate, with a view to contributing to the alleviation of pressing problems of balance of payments and finance of such countries.

28. Transnational corporations should, where appropriate, contribute to the promotion and diversification of exports in the countries in which they operate and to an increased utilization of goods, services and other resources which are available in these countries.

29. Transnational corporations should be responsive to requests by Governments of the countries in which they operate, particularly developing countries, concerning the phasing over a limited period of time of the repatriation of capital in case of disinvestment or remittances of accumulated profits, when the size and timing of such transfers would cause serious balance-of-payments difficulties for such countries.

30. Transnational corporations should not, contrary to generally accepted financial practices prevailing in the countries in which they operate, engage in short-term financial operations or transfers or defer or advance foreign exchange payments, including intra-corporate payments, in a manner which would increase currency instability and thereby cause serious balance-of-payments difficulties for the countries concerned.

31. Transnational corporations should not impose restrictions on their entities, beyond generally accepted commercial practices prevailing in the countries in which they operate, regarding the transfer of goods, services and funds which would cause serious balance-of-payments difficulties for the countries in which they operate.

32. When having recourse to the money and capital markets of the countries in which they operate, transnational corporations should not, beyond generally accepted financial practices prevailing in such countries, engage in activities which would have a significant adverse impact on the working of local markets, particularly by restricting the availability of funds to other enterprises. When issuing shares with the objective of increasing local equity participation in an entity operating in such a country, or engaging in long-term borrowing in the local market, transnational corporations should consult with the Government of the country concerned upon its request on the effects of such transactions on the local money and capital markets.

Transfer pricing

33. In respect of their intra-corporate transactions, transnational corporations should not use pricing policies that are not based on relevant market prices, or, in the absence of such prices, the arm's length principle, which have the effect of adversely affecting the tax revenues, the foreign exchange resources or other aspects of the economy of the countries in which they operate.

Taxation

34. Transnational corporations shall not, contrary to the laws and regulations of the countries in which they operate, use their corporate structure and modes of operation, such as the use of intra-corporate pricing which is not based on the arm's length principle, or other means, to modify the tax base on which their entities are assessed.

Competition and restrictive business practices

35. For the purposes of this Code, the relevant provisions of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted by the General Assembly in its resolution 35/63 of 5 December 1980 apply in the field of restrictive business practices.

Transfer of technology

36. (a) Transnational corporations shall conform to the transfer of technology laws and regulations of the countries in which they operate. They shall co-operate with the competent authorities of those countries in assessing the impact of international transfers of technology in their economies and consult with them regarding the various technological options which might help those countries, particularly developing countries, to attain their economic and social development.

(b) Transnational corporations in their transfer of technology transactions should, in accordance with the criteria set forth in the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, avoid restrictive practices which adversely affect the international flow of technology, or otherwise hinder the economic and technological development of countries, particularly developing countries.

(c) Transnational corporations should contribute to the strengthening of the scientific and technological capacities of developing countries, in accordance with the science and technology established policies and priorities of those countries. Transnational corporations should undertake substantial research and development activities in developing countries and should make full use of local resources and personnel in this process.

Consumer protection

37. Transnational corporations shall carry out their operations, in particular production and marketing, in accordance with national laws, regulations, administrative practices and policies concerning consumer protection of the countries in which they operate. Transnational corporations shall also perform their activities with due regard to relevant international standards, so that they do not cause injury to the health or endanger the safety of consumers or bring about variations in the quality of products in each market which would have detrimental effects on consumers.

38. Transnational corporations shall, in respect of the products and services which they produce or market or propose to produce or market in any country, supply to the competent authorities of that country on request or on a regular basis, as specified by these authorities, all relevant information concerning:

Characteristics of these products or services which may be injurious to the health and safety of consumers including experimental uses and related aspects;

Prohibitions, restrictions, warnings and other public regulatory measures imposed in other countries on grounds of health and safety protection on these products or services.

39. Transnational corporations should disclose to the public in the countries in which they operate all appropriate information on the contents and, to the extent known, on possible hazardous effects of the products they produce or market in the

countries concerned by means of proper labelling, informative and accurate advertising or other appropriate methods. Packaging of their products should be safe and the contents of the product should not be misrepresented.

40. Transnational corporations should be responsive to requests from Governments of the countries in which they operate and be prepared to co-operate with international organizations in their efforts to develop and promote national and international standards for the protection of the health and safety of consumers and to meet the basic needs of consumers.

Environmental protection

41. Transnational corporations shall carry out their activities in accordance with national laws, regulations, established administrative practices and policies relating to the preservation of the environment of the countries in which they operate and with due regard to relevant international standards. Transnational corporations should, in performing their activities, take steps to protect the environment and where damaged to rehabilitate it and should make efforts to develop and apply adequate technologies for this purpose.

42. Transnational corporations shall, in respect of the products, processes and services they have introduced or propose to introduce in any country, supply to the competent authorities of that country on request or on a regular basis, as specified by these authorities, all relevant information concerning:

Characteristics of these products, processes and other activities including experimental uses and related aspects which may harm the environment and the measures and costs necessary to avoid or at least to mitigate their harmful effects;

Prohibitions, restrictions, warnings and other public regulatory measures imposed in other countries on grounds of protection of the environment on these products, processes and services.

43. Transnational corporations should be responsive to requests from Governments of the countries in which they operate and be prepared where appropriate to co-operate with international organizations in their efforts to develop and promote national and international standards for the protection of the environment.

C. Disclosure of information

44. Transnational corporations should disclose to the public in the countries in which they operate, by appropriate means of communication, clear, full and comprehensible information on the structure, policies, activities and operations of the transnational corporation as a whole. The information should include financial as well as non-financial items and should be made available on a regular annual basis, normally within six months and in any case not later than 12 months from the end of the financial year of the corporation. In addition, during the financial year, transnational corporations should wherever appropriate make available a semi-annual summary of financial information.

The financial information to be disclosed annually should be provided where appropriate on a consolidated basis, together with suitable explanatory notes and should include, inter alia, the following:

- (a) A balance sheet;
- (b) An income statement, including operating results and sales;
- (c) A statement of allocation of net profits or net income;
- (d) A statement of the sources and uses of funds;
- (e) Significant new long-term capital investment;
- (f) Research and development expenditure.

The non-financial information referred to in the first subparagraph should include, inter alia:

- (a) The structure of the transnational corporation, showing the name and location of the parent company, its main entities, its percentage ownership, direct and indirect, in these entities, including shareholdings between them;
- (b) The main activity of its entities;
- (c) Employment information including average number of employees;
- (d) Accounting policies used in compiling and consolidating the information published;
- (e) Policies applied in respect of transfer pricing.

The information provided for the transnational corporation as a whole should as far as practicable be broken down:

By geographical area or country, as appropriate, with regard to the activities of its main entities, sales, operating results, significant new investments and number of employees;

By major line of business as regards sales and significant new investment.

The method of breakdown as well as details of information provided should be determined by the nature, scale and interrelationships of the transnational corporation's operations, with due regard to their significance for the areas or countries concerned.

The extent, detail and frequency of the information provided should take into account the nature and size of the transnational corporation as a whole, the requirements of confidentiality and effects on the transnational corporation's competitive position as well as the cost involved in producing the information.

The information herein required should, as necessary, be in addition to information required by national laws, regulations and established administrative practices of the countries in which transnational corporations operate.

45. (a) Transnational corporations shall supply to the competent authorities in each of the countries in which they operate, upon request or on a regular basis as specified by those authorities, and in accordance with national legislation, all information required for legislative and administrative purposes relevant to the activities and policies of their entities in the country concerned.

(b) Transnational corporations shall, to the extent permitted by the provisions of the relevant national laws, regulations, established administrative practices and policies of the countries concerned, supply to competent authorities in the countries in which they operate information held in other countries needed to enable them to obtain a true and fair view of the operations of the transnational corporation concerned as a whole in so far as the information requested relates to the activities of the entities in the countries seeking such information.

(c) The provisions of paragraph 52 concerning confidentiality shall apply to information supplied under the provisions of this paragraph.

46. (a) With due regard to the relevant provisions of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and in accordance with national laws, regulations and practices in the field of labour relations, transnational corporations shall provide to trade unions or other representatives of employees in their entities in each of the countries in which they operate, by appropriate means of communication, the necessary information on the activities dealt with in this Code to enable them to obtain a true and fair view of the performance of the local entity and, where appropriate, the corporation as a whole. Such information shall include, where provided for by national law and practices, *inter alia*, prospects or plans for future development having major economic and social effects on the employees concerned.

(b) Procedures for consultation on matters of mutual concern should be worked out by mutual agreement between entities of transnational corporations and trade unions or other representatives of employees in accordance with national law and practice.

(c) Information made available pursuant to the provisions of this paragraph should be subject to appropriate safeguards for confidentiality so that no damage is caused to the parties concerned.

TREATMENT OF TRANSNATIONAL CORPORATIONS

A. General provisions relating to the treatment of transnational corporations

47. In all matters relating to the Code, States shall fulfil, in good faith, their obligations under international law.

48. States have the right to regulate the entry and establishment of transnational corporations including determining the role that such corporations may play in economic and social development and prohibiting or limiting the extent of their presence in specific sectors.

49. Transnational corporations shall receive fair and equitable treatment in the countries in which they operate.

50. Subject to national requirements for maintaining public order and protecting national security and consistent with national constitutions and basic laws, and without prejudice to measures specified in legislation relating to the declared development objectives of the developing countries, entities of transnational corporations should be entitled to treatment no less favourable than that accorded to domestic enterprises in similar circumstances.

51. The importance of endeavouring to assure the clarity and stability of national policies, laws, regulations and established administrative practices is acknowledged. Laws and regulations affecting transnational corporations should be publicly and readily available. To the extent appropriate, relevant information regarding decisions of competent administrative bodies relating to transnational corporations should be disseminated.

52. Information furnished by transnational corporations to the authorities in each of the countries in which they operate containing confidential business information shall be accorded reasonable safeguards normally applicable in the area in which the information is provided, particularly to protect its confidentiality.

53. In order to achieve the purposes of paragraph 24 relating to managerial and technical training and employment of nationals of the countries in which transnational corporations operate, the transfer of those nationals between the entities of a transnational corporation should, subject to the laws and regulations of the countries concerned, be facilitated.

54. Transnational corporations are entitled to transfer all payments legally due. Such transfers are subject to the procedures laid down in the relevant legislation of host countries, such as foreign exchange laws, and to restrictions for a limited period of time emanating from exceptional balance of payment difficulties.

B. Nationalization and compensation

55. It is acknowledged that States have the right to nationalize or expropriate the assets of a transnational corporation operating in their territories, and that adequate compensation is to be paid by the State concerned, in accordance with the applicable legal rules and principles.

C. Jurisdiction

56. An entity of a transnational corporation is subject to the jurisdiction of the country in which it operates.

D. Dispute settlement

57. Disputes between States and entities of transnational corporations, which are not amicably settled between the parties, shall be submitted to competent national courts or authorities. Where the parties so agree, or have agreed, such disputes shall be referred to other mutually acceptable or accepted dispute settlement procedures.

58. Where the exercise of jurisdiction over transnational corporations and their entities by more than one State may lead to conflicts of jurisdiction, States concerned should endeavour to avoid or minimize such conflicts, and the problems to which they give rise by following an approach of moderation and restraint, respecting and accommodating the interests of Other States.

INTERGOVERNMENTAL CO-OPERATION

59. It is acknowledged that intergovernmental co-operation is essential in accomplishing the objectives of the Code.

60. Intergovernmental co-operation should be established or strengthened at the international level and, where appropriate, at the bilateral, regional and interregional levels.

61. States should exchange information on the measures they have taken to give effect to the Code and on their experience with the Code.

62. States should consult on a bilateral or multilateral basis, as appropriate, on matters relating to the Code and its application and with respect to the development of international agreements and arrangements on issues related to the Code.

63. States should take into consideration the objectives of the Code as reflected in its provisions when negotiating bilateral or multilateral agreements concerning transnational corporations.

64. States should not use transnational corporations as instruments to intervene in the internal or external affairs of other States and should take appropriate action within their jurisdiction to prevent transnational corporations from engaging in activities referred to in paragraphs 16 and 17 of this Code.

65. Government action on behalf of a transnational corporation operating in another country shall be subject to the principle of exhaustion of local remedies provided in such a country and, when agreed among the Governments concerned, to procedures for dealing with international legal claims. Such action should not in any event amount to the use of any type of coercive measures not consistent with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

IMPLEMENTATION OF THE CODE OF CONDUCT

A. Action at the national level

66. In order to ensure and promote the implementation of the Code at the national level, States should, inter alia:

(a) Publicize and disseminate the Code;

(b) Follow the implementation of the Code within their territories;

(c) Report to the United Nations Commission on Transnational Corporations on the action taken at the national level to promote the Code and on the experience gained from its implementation;

(d) Take action to reflect their support for the Code and take into account the objectives of the Code as reflected in its provisions when introducing, implementing and reviewing laws, regulations and administrative practices on matters dealt with in the Code.

B. International institutional machinery

67. The United Nations Commission on Transnational Corporations shall assume the functions of the international institutional machinery for the implementation of the Code. In this capacity, the Commission shall be open to the participation of all States. Consistent with United Nations practices, it may establish the subsidiary bodies and specific procedures it deems necessary for the effective discharge of its functions. The United Nations Centre on Transnational Corporations shall act as the secretariat to the Commission.

68. The Commission shall act as the international body within the United Nations system for all matters related to the Code. It shall establish and maintain close contacts with other United Nations organizations and specialized agencies dealing with matters related to the Code and its implementation with a view to

co-ordinating work related to the Code. When matters covered by international agreements or arrangements, specifically referred to in the Code, which have been worked out in other United Nations forums, arise, the Commission shall forward such matters to the competent bodies concerned with such agreements or arrangements.

69. The Commission shall have the following functions:

(a) To discuss at its annual sessions matters related to the Code. If agreed by the Governments engaged in consultations on specific issues related to the Code, the Commission shall facilitate such intergovernmental consultations to the extent possible. Representatives of trade unions, business, consumer and other relevant groups may express their views on matters related to the Code through the non-governmental organizations represented in the Commission.

(b) Periodically to assess the implementation of the Code, such assessments being based on reports submitted by Governments and, as appropriate, on documentation from United Nations organizations and specialized agencies performing work relevant to the Code and non-governmental organizations represented in the Commission. The first assessment shall take place not earlier than two years and not later than three years after the adoption of the Code. The second assessment shall take place two years after the first one. The Commission shall determine whether a periodicity of two years is to be maintained or modified for subsequent assessments. The format of assessments shall be determined by the Commission.

(c) To develop in the light of experience procedures for providing clarifications on provisions of the Code.

(d) To report annually to the General Assembly through the Economic and Social Council on its activities regarding the implementation of the Code.

(e) To facilitate intergovernmental arrangements or agreements on specific aspects relating to transnational corporations upon request of the Governments concerned.

70. The United Nations Centre on Transnational Corporations shall provide assistance relating to the implementation of the Code, inter alia, by collecting, analysing and disseminating information and conducting research and surveys, as required and specified by the Commission.

C. Review procedure

71. The Commission shall make recommendations to the General Assembly through the Economic and Social Council for the purpose of reviewing the provisions of the Code. The first review shall take place not later than six years after the adoption of the Code. The General Assembly shall establish, as appropriate, the modalities for reviewing the Code.